CERTIFICATION

I, RUTH A. SCOTT, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

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

ORDINANCE 2020-026

APPROVING THE ZONING PETITION OF VENTUS TECH SERVICES, LLC TO REZONE CERTAIN PROPERTY TO “PD-I” PLANNED DEVELOPMENT INDUSTRIAL, AND TO APPROVE PLANS AND PLAT OF SUBDIVISION FOR THE DEVELOPMENT OF AN APPROXIMATELY 970,000 SQUARE FOOT DATA CENTER AND ACCESSORY USES WITH AN OPTION TO DEVELOP ADDITIONAL DATA CENTER BUILDINGS AND ASSOCIATED DEVELOPMENTS, AND APPROVING THE ZONING PETITION OF THE CITY OF DEKALB TO AUTHORIZE TEXT AMENDMENTS TO CHAPTER 23 “UNIFIED DEVELOPMENT ORDINANCE” OF THE MUNICIPAL CODE OF THE CITY OF DEKALB TO ADD “DATA CENTER” INTO THE LIST OF PERMITTED USES ALLOWED WITHIN THE CITY’S INDUSTRIAL ZONING DISTRICTS (PROJECT VENTUS).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 27th day of April 2020.

WITNESS my hand and the official seal of said City this 28th day of April 2020.

RUTH A. SCOTT, Executive Assistant

Prepared by and return to:

City of DeKalb
City Manager’s Office
Attention: Ruth A. Scott
200 S. Fourth Street
DeKalb, Illinois 60115
ORDINANCE 2020-026  

APPROVING THE ZONING PETITION OF VENTUS TECH SERVICES, LLC TO REZONE CERTAIN PROPERTY TO "PD-I" PLANNED DEVELOPMENT INDUSTRIAL, AND TO APPROVE PLANS AND PLAT OF SUBDIVISION FOR THE DEVELOPMENT OF AN APPROXIMATELY 970,000 SQUARE FOOT DATA CENTER AND ACCESSORY USES WITH AN OPTION TO DEVELOP ADDITIONAL DATA CENTER BUILDINGS AND ASSOCIATED DEVELOPMENTS, AND APPROVING THE ZONING PETITION OF THE CITY OF DEKALB TO AUTHORIZE TEXT AMENDMENTS TO CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE" OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS TO ADD "DATA CENTER" INTO THE LIST OF PERMITTED USES ALLOWED WITHIN THE CITY'S INDUSTRIAL ZONING DISTRICTS (PROJECT VENTUS).

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, Ventus Tech Services, LLC (the "Owner") is the owner of property legally described in Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owner has petitioned the City to annex the Property and, upon annexation of the Property, to: (1) rezone the Property from the "SRF1" Single-Family Residential District to the PD-I Planned Development – Industrial District (the "Rezoning"); (2) approve the preliminary and final development plans attached hereto and incorporated herein as Exhibit B (the "Plans") for an industrial planned development (the "Planned Development") on the Property authorizing the construction of an approximately 970,000 square-foot data center building and associated improvements, components, infrastructure, equipment, and certain accessory uses or buildings, as depicted on the Plans (collectively, the "Data Center Building and Improvements"); and, (3) the approval of certain zoning and development standards set forth on Exhibit C attached hereto and incorporated herein (the "Development Standards") to authorize the construction on the Property, at the Owner's option, of additional data center buildings and associated improvements, components, infrastructure, equipment, and certain accessory uses or buildings (the "Additional Buildings and Improvements") that the City Manager determines comply with the Development Standards and which may be developed "as of right" within the Planned Development (collectively, the Data Center Building and Improvements and any Additional Buildings and Improvements are the "Development"), all in accordance with the Annexation and Development Agreement dated April 27, 2020 between the City and the Owner approved by Ordinance 2020-023 (the "Annexation Agreement"); and

WHEREAS, in connection with the Planned Development, the Owner has further requested the approval of a Plat of Subdivision attached hereto and incorporated herein as Exhibit D (the "Plat of Subdivision") and a Schematic Engineering Plan attached hereto and incorporated herein as Exhibit E (the "Schematic Engineering Plan"); and

WHEREAS, the City desires to amend various provisions of its Unified Development Ordinance (the "UDO") to: (1) add a "data center" into the list of permitted uses allowed
within the City's industrial zoning districts; and, (2) allow additional minor changes to final
development plans as more fully described in Exhibit F attached hereto and incorporated
herein (the "Text Amendments"); and

WHEREAS, on April 22, 2020, upon providing due notice, the City and Owner conducted
all required public hearings before the City's Planning and Zoning Commission regarding
the Text Amendments and the Property's Rezoning, the Planned Development, the Plans,
the Plat of Subdivision, and the Development; and

WHEREAS, the City's Planning and Zoning Commission recommended the approval of
the Text Amendments and the Property's Rezoning, the Planned Development, the Plans,
the Plat of Subdivision, and the Development; and

WHEREAS, on April 27, 2020, the City's corporate authorities adopted Ordinance 2020-
025, which annexed the Property into the corporate boundaries of the City; and

WHEREAS, the City's corporate authorities adopt the findings of fact and
recommendation of the City's Planning and Zoning Commission, and further find that the
Property's Rezoning, the Planned Development, the Plans, the Plat of Subdivision, and the
Development conform to the applicable zoning factors contained therein for the
following reasons:

FINDINGS OF FACT - REZONING

1. The proposed rezoning conforms to the Comprehensive Plan, or conditions
have changed to warrant the need for different types of land uses in that area.
The proposed rezoning is appropriate considering the length of time the
property has been vacant, as originally zoned, and taking into account the
surrounding areas trend in development.

The 2005 Comprehensive Plan recommends Office/Research, Light Industrial and
Commercial uses for the Property. An approximately 1,222,400 sq. ft. food distribution
center is under construction just to the north of the Property along Gurler Road and
will also include a future 466,560 sq. ft. packaging center. Additional acreage for future
manufacturing, distribution, office/research and technology uses are available in the
areas to the north of the Property. The rezoning of the Property to the PD-I Planned
Development – Industrial District and the approval of a data center meets the intent of
the City's Comprehensive Plan and is compatible with the trend of development in the
area.

2. The proposed rezoning conforms to the intent and purpose of the Unified
Development Ordinance.
Re-zoning of the Property to the PD-I Planned Development District and the
development of a data center will allow the Development to comply with the
regulations of the UDO and the Development Standards made part of the annexation
and development agreement. The PD-I zoning classification, as provided under the
UDO, is the most appropriate zoning classification for the Property and provides the
opportunity for the City to more directly shape the development, use and appearance
of the Property. In addition, the Planned Development zoning allows the Owner
flexibility in integrating public capital facilities, construction schedules and phasing of the development.

3. The proposed rezoning will not have a significantly detrimental effect on the long-range development of adjacent properties or adjacent land uses.

The property to the north of the site along Gurler Road, between Rt. 23 and Crego Road is being developed with an approximately 1,222,400 sq. ft. food distribution center and future 466,560 sq. ft. packaging center. Areas to the east, south and west are agricultural uses with some single-family homes to the west of the site along Rt. 23. The proposed zoning and land use are consistent with and compatible with the surrounding area and the City’s Comprehensive Plan. The proposed rezoning to PD-I Planned Development Industrial District and the development of a data center will not have a detrimental effect on the adjacent properties or land uses. In fact, the extension of utilities and upgrading of roadways will appreciably increase the value of adjacent farm parcels for future development.

Although Crego Road is planned to be vacated between Gurler Road and the southern limits of the Property with the proposed Development, there are plans to construct a new north-south roadway just to the east of the site between Gurler Road and Keslinger Road. The City will be using monies from the State's 2019 Capital Projects Fund to help pay for the new one-mile roadway which will include a 66-foot-wide right-of-way and two 12-foot driving lanes. This new roadway will allow for a new means of access from Peace Road and Gurler Road to areas south of the Property.

4. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses.

The Property is proposed for PD-I Planned Development – Industrial zoning. The PD-I district designation and development of a data center will allow the site to be compatible with the surrounding area. In addition, the data center will allow for the continuation of an area with high quality development under the PD-I classification and which is consistent with the Comprehensive Plan recommendations.

5. Adequate public facilities and services exist or can be provided.

The Property is in close proximity to the full interchange access of Peace Road and I-88. Gurler Road, Rt. 23 and Peace Road will be improved to accommodate the proposed development and provide for efficient means of access for the data center. A new roadway will be constructed just to the east of the Property and allow for a new means of access from Peace Road and Gurler Road to areas south of the Property. Sanitary sewer and watermain will be extended to the site in conjunction with the development of the Ferrara Candy Company site to the north and will provide connections to the Property. A separate water agreement will be provided that will ensure adequate and reliable water will be provided to the site. Stormwater management facilities will be constructed on the Property per the requirements of the Unified Development Ordinance. Electrical power is readily available and more than adequate to provide the needs for the proposed data center; and
WHEREAS, the City’s corporate authorities find that the approval of the Text Amendments and the Property’s Rezoning, the Planned Development, the Plans, the Plat of Subdivision, and the Development is in the City’s best interests and promotes the public health, safety and welfare;

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

SECTION 1: Recitals. The recitals to this Ordinance are true, material, adopted, and incorporated herein as Section 1 to this Ordinance.

SECTION 2: Text Amendments Approved. The City’s corporate authorities approve the Text Amendments in Exhibit F attached hereto and incorporated herein to this Ordinance.

SECTION 3: Rezoning Approved. The City’s corporate authorities approve the Property’s Rezoning from the SRF1 Single-Family Residential District to the PD-I Planned Development Industrial District and hereby authorize the City Manager to amend the “Official Zoning Map” of the City to depict the Property as located within the PD-I Planned Development Industrial District.

SECTION 4: Planned Development Approved.

A. Approval of Plans. The City’s corporate authorities approve the Plans attached hereto and incorporated herein as Exhibit B to this Ordinance as the preliminary and final development plans for the Property and the Planned Development.

B. Approval of Development Standards. The City’s corporate authorities approve the Development Standards attached hereto and incorporated herein as Exhibit C to this Ordinance.

SECTION 5: Plat of Subdivision Approved.

A. Approval of Preliminary and Final Plat. The City’s corporate authorities approve the Plat of Subdivision attached hereto and incorporated herein as Exhibit D to this Ordinance as the preliminary and final plat of subdivision for the Property, and further authorize and direct the City’s Planning and Zoning Commission Chairperson, Mayor, Clerk, and Engineer to sign the Plat of Subdivision.

B. Approval of Schematic Engineering Plan. The City’s corporate authorities approve the Schematic Engineering Plan attached hereto and incorporated herein as Exhibit E and authorize the City Manager to approve a final engineering plan for the improvements to be constructed in connection with the Development if the improvements depicted on the final engineering plan substantially conform with the improvements depicted on the Schematic Engineering Plan.

SECTION 6: Recording Directed. The City’s corporate authorities authorize and direct the City Manager or his designee to record and file, upon execution by all of the parties, this Ordinance and the Plat of Subdivision with the DeKalb County Clerk and Recorder.
SECTION 7: Home Rule. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 8: Effect of Approvals. Upon and after the effective date of this Ordinance, subject to the issuance of required building permits, the Owner shall have the right to: (1) construct the Data Center Building and Improvements in accordance with the Plans and the provisions of the Annexation Agreement; and, (2) construct any Additional Buildings and Improvements in accordance with the Development Standards and the provisions of the Annexation Agreement, subject to the review and determination by the City Manager that any plans for the Additional Buildings and Improvements comply with the Development Standards and the provisions of the Annexation Agreement.

SECTION 9: Effective Date. As a result of the need to timely record this Ordinance and the Plat of Subdivision approved herein, the City’s corporate authorities find and determine that this Ordinance shall be effective immediately upon its passage and approval and shall subsequently be published in pamphlet form.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 27th day of April 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:

RUTH A. SCOTT
Executive Assistant

JERRY SMITH, Mayor

CITY OF DEKALB
STATE OF ILLINOIS
EXHIBIT A
(Legal Description of the Property)

THAT PART OF THE NORTH HALF OF SECTION 2 AND THAT PART OF THE NORTH HALF OF SECTION 1, ALL IN TOWNSHIP 39 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN, LOCATED IN DEKALB COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00 DEGREES 33 MINUTES 29 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 2,640.98 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 89 DEGREES 32 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 1,323.96 FEET TO A FOUND 1 INCH IRON PIPE AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE CONTINUING NORTH 89 DEGREES 32 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1 A DISTANCE OF 2,650.91 FEET TO A STONE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1 (REFERENCED BY A FOUND IRON PIPE 0.25 FEET WEST OF THE STONE), PER SURVEY MONUMENT RECORD RECORDED AS DOCUMENT NUMBER 1978-413834 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 A DISTANCE OF 2,663.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE NORTH 00 DEGREES 33 MINUTES 43 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 907.55 FEET TO THE NORTHEASTERN CORNER OF THE SOUTHERN 55 RODS (907.5 FEET) OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS WEST ALONG THE NORTHERN LINE OF THE SOUTHERN 55 RODS OF THE NORTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 2,606.19 FEET TO A POINT ON THE EASTERN RIGHT OF WAY LINE OF ILLINOIS ROUTE 23, PER THAT TRUSTEES DEED RECORDED AS DOCUMENT NUMBER 1973-375200 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST ALONG SAID EASTERN RIGHT OF WAY LINE 698.92 FEET; THENCE NORTH 02 DEGREES 15 MINUTES 43 SECONDS EAST ALONG SAID EASTERN RIGHT OF WAY LINE 1,045.63 FEET TO THE POINT OF BEGINNING, CONTAINING 505.329 ACRES, MORE OR LESS.
EXHIBIT B
(Final Plans)
EXHIBIT C  
(Development Standards)

1. **Construction of Additional Buildings and Improvements:**
   
The Owner shall have the right, but not the obligation, to construct Additional Buildings and Improvements on the Property as part of the Planned Development, without further zoning review or approval by the corporate authorities of the City, if: (a) the Owner submits to the City Manager site plans, elevations, and landscape plans depicting the Additional Buildings and Improvements; and (b) the City Manager determines, in his reasonable judgment, that the Additional Buildings and Improvements depicted on such plans comply with the Development Standards set forth in this Exhibit C. The City Manager shall review any plans for any Additional Buildings and Improvements in good faith, diligently, and expeditiously, and the City Manager's determination whether any Additional Buildings and Improvements comply with the Development Standards shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding any other provision of the Development Standards and this Ordinance, the City Manager shall make such determination not later than 14 calendar days after receipt from the Owner of site plans, elevations, and landscape plans depicting Additional Buildings and Improvements. Any determination by the City Manager that any Additional Buildings and Improvements comply with the Development Standards.

2. **Permitted Uses:**
   
Data Center and accessory uses. Data Center and accessory uses shall mean real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services, along with ancillary warehouse, administrative office, and storage buildings.

3. **Minimum Building Setbacks:**
   
Rt. 23 – Data Center buildings 400'
Rt. 23 – Accessory buildings and structures 150'
Gurler Road – 100'
East and South Property Lines – 150'

4. **Minimum Parking/Paving Setbacks (except points of access and turnarounds):**
   
Rt. 23 – 100'
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Gurler Road – 50’

East and South Property Lines – 50’

5. **Maximum Site Coverage (area covered by buildings, paving):**

None.

6. **Maximum Building Height:**

75’

7. **Landscaping:**

Per the Unified Development Ordinance in effect on the effective date of this Ordinance (the “UDO”) and the City Manager’s approval.

8. **Lighting:**

Per the UDO.

9. **Parking:**

Per the UDO. Parking formula (number of spaces required) shall be determined in consultation with Owner and City Staff based on Owner’s needs and parking demand at a similar facility.
EXHIBIT D
(Plat of Subdivision)
EXHIBIT E
(Schematic Engineering Plan)
EXHIBIT F
(Text Amendments)
EXHIBIT F

ARTICLE 3

DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Ordinance.

3.1 Definitions

Abandonment: To cease or discontinue a use or activity without intent to resume. This definition excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility. Also, ceasing an activity during normal periods of vacation or seasonal closure shall not constitute abandonment.

Abutting: Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

Accessory Use: (see also Home Occupation) A use incidental to, and on the same zoning lot as, a principal use. An accessory use is subordinate in size, extent, and/or purpose to the principal use and contributes to the comfort, convenience, and/or necessity of the principal use being served.

Adult Oriented Use: Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media (whether print, electronic, magnetic or other) depicting or describing "specified sexual activities" or "specified anatomical areas" (which are further defined in Article 7.13), sale of materials used for "specified sexual activities," the provision of live entertainment which depicts, describes, or characterizes "specified sexual activities" or "specified anatomical areas," or any combination thereof. (1997-010)

Alley: A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration.

Antenna: (see Article 7, Subsection 7.08.02)

Apartment: (see Dwelling, Multiple-Family)

Automatic Teller Machine: (see Electronic Banking Facilities) (1998-041)

Banquet Hall: An establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, business promotional events and similar celebrations. A Banquet Hall is not open to the public and the use is therefore restricted to the invitees of the party contracting for the use of the facility. Such use may or may not include: kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on premise consumption only during scheduled events; and/or outdoor gardens or reception facilities. A Banquet Hall shall not include a Social Club as defined in the Municipal Code.

Basement: (see also Story Above Grade) That portion of a building which is partly or completely below grade.

Bed and Breakfast: An owner-occupied dwelling unit having not more than five (5) bedrooms used to provide transient lodging accommodations to the public as a commercial use
**Bedroom:** The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study or a den.

**Buffer Area:** (see also Screening) A strip of land established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy. To determine the number of buildings on a zoning lot, each building shall be considered a separate building when they are not joined by common wall, roof, ceiling and floor assemblies.

**Building, Accessory:** A building which is subordinate to and serves a principle building or use. An accessory building is subordinate in size, extent, and/or purpose to the principle building or use and contributes to the comfort, convenience and/or necessity of the occupants of the principal building or use being served. Examples of accessory buildings include private garages and storage buildings. (2017-044)

**Building Line:** (see Setback)

**Building, Principal:** A building in which is conducted the main or the principal use of the lot on which said building is situated.

**Car Wash:** An area of land and/or a structure with machine (or hand) operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles not exceeding six (6) tons in gross vehicle weight.

**Carry-Out Restaurant:** (see Restaurant, Fast-Food)

**Certificate of Use and Occupancy:** The certificate issued by the Chief Building Official which permits the use of a building in accordance with the approved plans and specifications. It also certifies compliance with the provisions of this Ordinance for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit.

**Certify:** Whenever this Ordinance requires that some person or agency certify the existence of some fact or circumstance to the City, the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the City may accept certification by telephone from some agency when the circumstances warrant it, or the City may require that the certification be in the form of a letter or other document.

**Change of Use:** An alteration by change of use in a building or a tract of land, heretofore existing, to a new use which imposes other provisions of this Ordinance or the Building Code governing building construction, equipment or means of egress.

**Chief Building Official:** The individual named the Chief Building Official or his/her designee. (2017-044)

**Church:** An institution that people regularly attend to participate in or hold religious services, meetings and other related activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Circulation Area:** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

**City:** The City of DeKalb, Illinois.

**Club or Lodge:** A building, along with accessory structures and facilities, primarily intended to accommodate an association of persons and in which the buildings, structures and facilities are limited and restricted to members and their guests. This definition does not include fraternities and sororities.
Commercial Use: An occupation, employment, or enterprise that is carried on for a profit by the owner, lessee, or licensee.

Community Development Director: The individual holding the position of Community Development Director or his/her designee. (2017-044)

Community Residence: A specialized residential care home serving unrelated persons with disabilities that are:

1. Attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and

2. Likely to continue for a significant amount of time or indefinitely; and

3. Results in functional limitations in three (3) or more of the following areas of major life activities:
   a. self-care
   b. receptive or expressive language
   c. learning
   d. mobility
   e. self-direction
   f. capacity for independent living
   g. economic self-sufficiency; and

4. Reflects the person’s need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are a life-long or extended duration.

A Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

Community Residence, Small: A Community Residence serving eight (8) or fewer persons with disabilities, along with necessary support staff, in a family-like atmosphere.

Community Residence, Large: A Community Residence serving more than eight (8) persons with disabilities along with necessary support staff.

Comprehensive Plan: A document containing both written and graphic information concerning the future development of the City of DeKalb and its environs. It is an officially adopted policy guide for locating land uses and streets, and other community development issues.

Conditional Use: (see Special Use)

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 7,500
square feet. Convenience stores differ from other retail commercial uses in their operating characteristics and potentially adverse neighborhood effects (i.e., hours of operation, traffic generation and turning movements, noise, litter and lighting).

Council: The City Council of the City of DeKalb, Illinois.

Cul-de-Sac: A local or sub-local street, one end of which is closed, and consists of a circular turn-around. (See Article 9, Section 9.01, for the definition of local and sub-local streets).

Data Center: Buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or used primarily to provide to a single user, including the user’s affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services, along with ancillary warehouse, administrative office, and storage buildings.

Day Care Center: A building in which any person, group of persons, agency, association or organization arranges for or cares for more than twelve (12) children.

Day Care Home: A dwelling unit in which any person or group of persons provides for the care of not more than eight (8) children inclusive of the child care provider’s own children.

Deck: A platform structure of single or multiple tier construction that is either freestanding or attached to a principal or accessory building located in the rear yard or side yard and constructed above grade and unenclosed by solid or non-solid walls or a roof. If located in the side yard, an attached deck must meet principal building setbacks. (2017-044)

Density: The number of dwelling units per net acre of land. Net acreage is defined as the site area less all land allocated to street rights-of-way. With private streets, the equivalent of public rights-of-way for these streets shall be deducted from gross acreage. If there is a question regarding the width and length of such equivalent rights-of-way, the Community Development Director shall render a determination.

Development: All structures and other modifications of the natural landscape, above and below ground or water, on a particular site.

Development, Planned: Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development includes a program for the provision, operation, and maintenance of common areas, facilities, and improvements that are for the use by the occupants of the planned development district, but which will not be provided, operated, or maintained at public expense.

Distillery: A facility that produces alcoholic beverages on-site in quantities exceeding 20,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcoholic beverages manufactured outside the facility are prohibited. (2017-035)

Dormitory: A building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than twenty (20) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery or other institutional use.

Double Frontage Lot: (see Lot, Through)
5.10 "ORI" Office, Research, and Light Industrial District

5.10.01 Intent and Purpose

The "ORI" Office, Research and Industrial District is intended to support the goals and objectives of the City of DeKalb Comprehensive Development Plan which guides the present and future land use needs of the City of DeKalb. This district is also consistent with the objectives of the Illinois Research and Development Corridor (generally including communities along the East/West Tollway [I-88] between Chicago and DeKalb). The "ORI" District is designed to allow new construction which is consistent with good planning practice and is compatible with permitted land uses and developments in adjoining districts.

Further, the purpose and intent of the ORI District is to provide an area in the community within which office, research and light industrial enterprises can locate with an assurance of a high and permanent level of design quality, extensive site amenities, open space, and environmental protection. The restrictions and conditions applied to this district are intended to promote the development of a park-like atmosphere which will enhance the quality of the community. The ORI District also promotes the economic development potential of the City.

5.10.02 Permitted Land Uses and Developments of the "ORI" Office, Research, and Light Industrial District

The following land uses and developments are permitted in this District:

Accessory Uses;

Advertising agencies, commercial graphics and drafting services;

Data Center;

Hotels and motels, including conference centers, meeting and dining facilities;

Laboratories and ancillary uses (in enclosed structures) for research and development including, but not limited to:

Engineering and testing laboratories;

Medical and dental research laboratories;

Agricultural research laboratories.

"Conduct of animal, plant or other biological and genetic research activities outdoors is prohibited;"

Manufacturing, including, but not limited to, electronic, scientific and precision instruments manufacture and repair, experimental product development and plastic products design and assembly, cloth products manufacture, light machinery production and assembly, printing and publishing; but not including those uses which may be obnoxious or offensive by reason of emission of toxic or hazardous substances, odor, noise, dust, smoke, or gas;

Offices, excluding medical and dental offices or clinics providing patient diagnostics and/or treatment;

Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability;

Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability;
5.11 “LI” Light Industrial District

5.11.01 Purpose and Intent

This section contains the district regulations of the "LI" Light Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated in this section by reference. The "LI" Light Industrial District's uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of noise, vibration, smoke, dust, toxic or noxious materials, odor, fire, explosive hazards, glare or heat.

5.11.02 Permitted Land Uses and Developments of the "LI" Light Industrial District (2017-044)

The following land uses and developments are permitted in this district:

Accessory uses;

Any use whose primary purpose includes the light manufacturing, fabricating, assembly, disassembly, processing or treatment of goods and products, including but not limited to:

- appliances, small motors;
- books, printed materials;
- clothing and textiles;
- drugs;
- electrical components;
- glass and ceramics;
- paper and paper products;
- plastic and fiberglass;
- sheet metal;
- tools;
- wood assembly and finishing;

Airports, landing strips and heliports;

Animal boarding facilities and animal shelters, subject to the provisions of 5.11.06, subparagraph 3 (below) (2003-139);

Automobile, truck and recreational vehicle sales and rental;

Boat and marine sales and service;

Body Art Establishment

Building-contractors office and materials storage;

Building material sales and storage;
Bus and train stations and terminals;
Business, professional, and technical training schools;
Cartage and express facilities;

Data Center:

Dwelling unit (one only) only when used by the caretakers and their families, who own or are employed in the allowable commercial or industrial use of the premises, and which may be located on the ground floor;

Farm equipment sales and service;
Fruit, Vegetable and grain processing, packaging, and storage;
Gasoline Stations;
Golf courses and other open space recreational uses;
Ice processing, sales and storage;
Lumberyards;
Machinery sales, service and storage;
Machine shops;
Motor and rail freight terminals;
Newspaper offices;
Offices;
Outdoor storage, as a principal use, except junkyards, salvage yards, and wrecked vehicle storage yards;
Parking lots, as a principal use;
Plating establishments;
Plumbing and heating service and equipment stores;
Printing and publishing establishments, duplicating services;
Public buildings used by any department of the City, School District (except school buildings), Township, Park District, County, State, and Federal governments;
Public utility facilities;
Research laboratories and facilities; and
Self-service storage facility, interior unit access. (2018-008)
Sewage treatment plants;

Showrooms and retail outlets associated with warehouse or manufacturing facilities where the showroom or retail portion does not exceed thirty (30) percent of the total floor area;
5.12 "HI" Heavy Industrial District

5.12.01 Purpose and Intent

This section contains the district regulations of the "HI" Heavy Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance which are incorporated as a part of this section by reference. The "HI" Heavy Industrial District is intended to be located in selected areas so that its permitted and special uses' noise, vibration, smoke, dust, toxic or noxious materials odors, fire, explosive, glare, heat, and other hazardous characteristics are not detrimental to the rest of the community.

5.12.02 Permitted Land Uses and Developments of the "HI" Heavy Industrial District

The following land uses are permitted in this district:

Any use permitted in the "LI" Light Industrial District;

Accessory uses;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly (does not include disassembly), processing or treatment of goods and services, including but not limited to:

- boats,
- construction equipment,
- containers and storage units,
- motor vehicles and engines,
- paints, inks,
- stoneware, earthenware;

Data Center:

Railroad switching yards; and

Self-service storage facility, interior unit access. (2018-008)

5.12.03 Special Land Uses and Developments of the "HI" Heavy Industrial District

The following land uses and developments may be permitted under conditions and requirements specified in Article 14, "Permits."

Animal slaughtering, meat packing, or rendering facilities;

Any use whose primary purpose includes the heavy manufacturing, fabrication, assembly, disassembly, processing or treatment of goods and services, including but not limited to:

- concrete, asphalt, cement,
- motor vehicles and engines,

Bulk fuel distribution or storage;

Distillery;

5-49
5.13 "PD" Planned Development Districts

5.13.01 Purpose and Intent

The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the design and future operation of the development.

The City Council, upon recommendation by the Planning and Zoning Commission, may, by an Ordinance adopted in the same manner as zoning districts are created, authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations 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. The standards contained in the following provisions must be strictly adhered to by the applicant. The City Council may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design, by providing relief from zoning requirements designed for conventional developments 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 economical in relation to public utilities and services.

7. Efficient and effective traffic circulation, both within and adjacent to the development site.

A person, by choosing to develop property as a planned unit development, elects to submit a contemplated development proposal to a legislative and discretionary review by the Planning and Zoning Commission and City Council.

5.13.02 Relationship of Planned Development Districts to Zoning Map

1. A Mapped District: The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation as detailed in this section is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.

2. Plan Approval Required: It is the intent of this Ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section, Article 20, "Amendments" and applicable sections of Article 15, "Subdivision of Land."

3. Relationship to "SAGRC" Overlay District: The requirements of the "SAGRC" Overlay District, contained in Article 6, Subsections 6.02.04 through 6.02.09, shall apply. Also, see Article 6, Subsection 6.02.10 for submittal requirements, review and approval procedures associated with development within the "SAGRC" Overlay District.
5.13.03 Coordination with Article 15, "Subdivision of Land" and Article 20, "Amendments"

1. It is the intent of this Ordinance, where a Planned Development involves any subdivision activity, that the subdivision review and approval procedure requirements contained in Article 15, "Subdivision of Land," be carried out simultaneously with the review of a Planned Development under this Section of this Ordinance. As applicable, reference is made to requirements in Article 15 within this Section. Also, with regard to these references, Article 15 may contain the term "plat," which under the "PD" District requirements is intended to be synonymous with "plan" as appropriate.

2. Since obtaining a "PD" District designation requires a map amendment (rezoning), the requirements and procedures of Article 20, "Amendments" shall apply. As applicable, reference to Article 20 is made within this Section.

5.13.04 Types of Planned Developments

All areas of the City subject to the PD designation shall be assigned one of the following District classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this section.

1. Planned Development - Residential (PD-R): Planned developments involving residential uses only.

2. Planned Development - Commercial (PD-C): Planned developments involving commercial uses only.

3. Planned Development - Industrial (PD-I): Planned developments involving industrial and limited commercial uses only.

5.13.05 Permitted Uses

1. Planned Development - Residential

   The following land uses and developments may be permitted in this District:

   a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Residential District. Specific uses may include those uses designated as permitted, accessory, or special uses in any of the residential districts.

   b. In addition to those uses included in Paragraph "a" above, the following uses may be designated as permitted uses and established as such in the Ordinance governing the particular Planned Development - Residential District:

      1) attached single family dwellings/townhouses
      2) condominiums
      3) zero lot line residential developments
      4) mobile home parks

   c. Within the Planned Development - Residential District, more than one principal building may be located on a zoning lot.
2. Planned Development - Commercial

The following land uses and developments may be permitted in this District:

a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Commercial District. Specific uses may only include those uses designated as permitted, accessory, or special uses in the "NC," "LC," "GC" and "CBD" Commercial Districts, or other uses of a commercial nature.

3. Planned Development - Industrial

The following land uses and developments may be permitted in this District:

a. Permitted land uses and developments shall be established in the conditions of the Ordinance adopted by the City Council governing the particular Planned Development - Industrial District. Specific uses may only include those uses designated as permitted, accessory, or special uses in the "LI" or "HI" Industrial District, the "ORI" Office, Research and Light Industrial District and those uses in the "NC," "LC," or "GC" Commercial Districts, which are specifically related to the particular development.

5.13.06 Minimum Planned Development Site Size

The minimum site size for any of the Planned Development Districts shall be two (2) acres. This minimum site size may be waived by the City Council upon recommendation by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wet lands, floodplain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the general public interest.

5.13.07 Density and Dimensional Regulations and Performance Standards

1. General Standards: The approval of the Development Plan may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. However, such exceptions shall consistent with the City's Comprehensive Plan and the standards contained in this Section and have been specifically requested in the application for a planned development; and further, that no planned development shall be allowed which would result in:

a. Inadequate or unsafe access to the planned development;

b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;

c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;

d. A development which will be incompatible with the intent and purposes of this Ordinance;

e. Detrimental impact on surrounding area including, but not limited to, visual pollution;

The burden of proof that the criteria above are not being violated shall rest with the applicant and not the City of DeKalb.
5.13.11 Requirements and Procedures Prior to Recording of Plan

After the final development plan (and subdivision plat, if applicable), engineering plans and other associated documents have been approved by the City Council, the applicant shall meet the terms and conditions of Section 15.08, Article 15, "Subdivision of Land."

5.13.12 Final Development Plan Approval Not Acceptance of Dedication Offers

Approval of a planned development does not constitute acceptance by the City of the offer of dedication of any streets, utilities, sidewalks, parks or other public facilities shown on the plan. However, the City Council may accept any such offer of dedication by resolution and may delay such acceptance until such time that the Public Works Director determines that the public improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority. (2017-044)

5.13.13 Amendments to Final Development Plan

1. **Minor Changes:** Minor changes in the location, siting and height of buildings and structures may be authorized by the Community Development Director without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:

   a. A change in the use or character of the development;

   b. An increase in overall coverage of structures;

   c. An increase in the intensity of use;

   d. An increase in the problems of traffic circulation and public utilities;

   e. A reduction in approved openspace;

   f. A reduction of off-street parking and loading space;

   g. A reduction in required pavement widths.

   Notwithstanding anything foregoing to the contrary, all amendments, changes, or revisions to the final plan and plat of subdivision for any planned development located on parcels of property under common ownership which are at least 500 acres in size shall constitute minor changes under this Section that may be authorized by the City Manager or Community Development Director without additional public hearing provided that said amendments, changes, or revisions conform to the conditions and development standards established in the Ordinance adopted by the City Council governing the particular planned development.

2. **Plan Amendments:** All other changes in use, or rearrangement of lots, blocks and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be approved by the City Council after report of the planning staff and recommendation by the Planning and Zoning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy.

   Any changes to the approved final plan must be recorded as amendments in accordance with the procedures and requirements of Article 20, "Amendments." Additionally, the City Council shall require the applicant to re-file his application subject to the requirements of this Section as if it were an entirely new application.

5.13.14 Failure to Initiate Construction After Final Development Plan Approval
April 30, 2020

To whom it may concern:

I, Carl J. Cook, do hereby authorize, Ruth Scott, City of Dekalb, 200 S. 4th St., Dekalb, IL 60115 to record The Final Plat of Subdivision of Dekalb Subdivision.

Sincerely,

Jacob & Hefner Associates, Inc.

[Signature]

Carl J. Cook, P.L.S.