



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 022-107
DATE OF PASSAGE December 20, 2022

An Ordinance amending Chapter 49 of the Code of Ordinances, City of Aurora, Illinois (Zoning Ordinance), to modify certain definitions and administrative process

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council of the City of Aurora has determined that it is necessary and desirable to amend Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance, in order to update and improve certain Sections of said Ordinance to better carry out the purpose and intent of said Ordinance; and

WHEREAS, on December 7, 2022, the Planning and Zoning Commission, after publication of notice, held a public hearing on the amendments to said Ordinance and recommended approval of the amendment attached hereto and incorporated herein and hereinafter referred to as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

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Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the amendments to Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance, are hereby adopted as set forth in said Exhibit "A".

ORDINANCE NO. 022-107


LEGISTAR NO. 22-0999

PASSED AND APPROVED ON December 20, 2022

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor

1 Sec. 49-103.3 Definitions

2 ***

3 *3150 Recycling Centers:* This 3100 use category is comprised of
4 establishments which are entirely within a completely enclosed
5 building where scrap metal, paper, rags or other recyclable
6 materials are bought, sold, exchanged, stored, baled, packed,
7 disassembled or handled, but excluding recycling yards/junk shops.

8 3300: Warehouse, Distribution & Storage Services: This 3300 Use
9 Category is comprised of establishments which primarily provide
10 storage for general merchandise, refrigerated goods, other
11 warehouse products or computer systems and associated components.
12 Uses in this category provide the facilities to store goods but do
13 not sell the goods they handle. They may also provide a range of
14 services related to the distribution of goods, such as labeling,
15 breaking bulk, inventory control and management, light assembly,
16 order entry and fulfillment, packaging, pick and pack, price
17 marking and ticketing, transportation arrangement or processing
18 and distribution of large amounts of data. This includes but not
19 limited to the following: Cartage (local), express hauling;
20 Electronic Storage Data Centers; cryptocurrency facilities; and
21 warehousing and distribution facilities, but excluding motor
22 freight terminals. ~~Electronic Storage Data Centers; and~~
23 ~~cryptocurrency facilities.~~ Motor Freight Terminals are
24 categorized under 3310 Vehicle Terminals and Storage.

1 3410 Recycling Yards/Junk Shops: This 3400 use category is
2 comprised of establishments which consist of an open area where
3 scrap metal, paper, rags or other recyclable materials are bought,
4 sold, exchanged, stored, baled, packed, disassembled or handled,
5 including auto and building wrecking yards, but excluding
6 recycling centers. This use shall be wholly enclosed by a solid
7 wall or fence, not less than 7 feet in height, and no material
8 shall be piled or stacked to a height of fifteen (15) feet above
9 the ground level.

10 ***

11 Electronic Data Storage Center: An establishment classified in use
12 category 3300, principally ~~An establishment~~ used for the storage
13 and operation of computer systems, associated components and
14 related equipment for the maintaining, storing, processing,
15 distributing, and routing of data and related activities. An
16 Electronic Data Storage Center shall be at least 150,000 square
17 feet with no more than five percent (5%) of the square footage
18 being office use. ~~and have at least three (3) generators and at~~
19 ~~least one (1) electrical substation and transformer(s) or similar~~
20 ~~infrastructure.~~

21 ***

22 ~~Warehouse: A building or structure or part thereof, used~~
23 ~~principally for the storage of goods and merchandise.~~

24 ***

1 Sec. 49-104.3 Conditional Use Planned Developments

2 ***

3 d. Conditional Use Planned Developments

4 1. Generally. Planned developments are conditional uses of
5 a substantially different character from other conditional
6 uses so as to be subject separate standards, exceptions, and
7 procedures as set forth in chapter 34.

8 2. Required Findings. In conducting a hearing pursuant to
9 chapter 34, the commission shall make a recommendation to the
10 city council as to whether for the duration of a development,
11 specified uses not permitted by the use regulations of the
12 district in which said development is located, the following
13 conditions are satisfied:

14 a. The uses permitted by such exceptions are necessary
15 or desirable and are appropriate with respect to the
16 primary purpose of the development;

17 b. The uses permitted by such exception are not of
18 such a nature or so located as to exercise an undue
19 detrimental influence on the surrounding neighborhood;

20 c. Reserved. ~~Not more than twenty (20) percent of the~~
21 ~~ground area of the gross floor area of such development~~
22 ~~shall be devoted to the uses permitted by said exception;~~

23 d. In an industrial planned development, such
24 additional uses allowed by exceptions shall conform with

1 the performance standards of the district in which the
2 development is located;

3 e. The use exceptions so allowed are reflected by the
4 appropriate zoning district symbols and so recorded on
5 the zoning district map.

6 3. ~~Bulk~~ Regulations. A planned development may embrace
7 exceptions to the bulk regulations generally applicable in
8 the underlying zoning district in which the planned
9 development is located upon a finding by the commission that
10 such exception shall be solely for the purpose of promoting
11 a unified site plan that is as or more beneficial to the
12 residents or occupants of such development as well as the
13 neighboring property than would be obtained by a strict
14 interpretation of the bulk regulations required by the
15 underlying zoning district.

16 ~~a. That such exception shall be solely for the purpose~~
17 ~~of promoting a unified site plan no less beneficial to~~
18 ~~the residents or occupants of such development as well~~
19 ~~as the neighboring property than would be obtained by~~
20 ~~the bulk regulations of this ordinance for buildings~~
21 ~~developed on separate lots;~~

22 ~~b. That the overall floor area ratio, when applicable,~~
23 ~~would not exceed by more than fifteen (15) percent the~~

1 ~~floor area ratio regulations of this ordinance for the~~
2 ~~district in which it is located;~~
3 ~~c. That in the part of the planned development~~
4 ~~containing only residential uses, the minimum lot area~~
5 ~~per dwelling unit may be less than required by the~~
6 ~~district regulations applicable to the district~~
7 ~~regulations applicable to the district in which the~~
8 ~~planned development is located provided there is~~
9 ~~contained within the planned development permanent open~~
10 ~~spaces, the area and location of which shall meet with~~
11 ~~the approval of the commission, and that such open space~~
12 ~~shall not be less than that which would pertain if~~
13 ~~developed on individual lots~~
14 ~~d. That such open areas shall be preserved over the~~
15 ~~life of the planned development, for use only by the~~
16 ~~planned development or dedicated to city for school,~~
17 ~~park, playground or other public uses; and~~
18 ~~e. That in part of a planned development devoted to~~
19 ~~residential uses, access to a dwelling by a driveway or~~
20 ~~pedestrian walk easement, and spacing between buildings~~
21 ~~of lesser widths or depths then required by district~~
22 ~~regulations for the district in which the planned~~
23 ~~development is located may be authorized provided:~~

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~~1. That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwelling served;~~

~~2. The spacing between buildings shall be approved by the commission and shall be consistent with the application of recognized site planning principles for securing a unified development and due consideration is given to the openness normally afforded by intervening streets and alleys. Spacing between principal buildings within a part of a planned development where subsequent transfer of ownership is contemplated, shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located; and~~

~~f. That the yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the district in which the planned development is located, and the plan is developed to afford adequate protection to neighboring properties.~~

1 Sec. 49-110.1 Purpose And Establishment Intent

2 (a) The city council find that the establishment of The
3 ~~purpose for the authority to establish~~ overlay districts
4 promotes specific ~~is to promote the city's stated~~ goals and
5 objectives articulated through its specific enactments for
6 certain definable areas within its jurisdiction by imposing
7 special regulations over, and providing flexibility within,
8 existing zoning classifications for those areas of the city
9 with unique land use and environmental characteristics that
10 may not be adequately addressed under any of the zoning
11 district classifications having theretofore been adopted by
12 the city. Further, in establishing overlay districts, the
13 city council does so with the specific intention, and in order
14 ~~it is the intent of the city in establishing overlay districts:~~

15 (1) To provide specific zoning protection, which
16 includes development standards and design guidelines,
17 for areas which are nonconforming due to their having
18 been constructed prior to the establishment of the
19 current zoning district classification, yet are in
20 accordance with the City's Comprehensive Plan and
21 Physical Development Policies; and

22 (2) To provide zoning protection, which includes
23 development standards and design guidelines, for parcels

1 of land with various zoning district classifications
2 which may be developed as one unified development; and

3 (3) To provide zoning protection, which includes
4 development standards and design guidelines, for
5 contiguous parcels of land having similar uses which
6 require special planning considerations due to their
7 location adjacent to a unique geographic feature, major
8 arterial roadway, incompatible land use and/or other
9 external influencing factors; and

10 (4) To provide zoning protection, which includes
11 development standards and design guidelines, for areas
12 with unique architectural features and/or site planning
13 considerations; and

14 (5) To provide zoning protection, which includes
15 development standards and design guidelines, for areas
16 where there is potential for major public/private
17 financial investment requiring clear policy and planning
18 direction to maximize public benefit and private return
19 from such investment.

20 (b) The city council may from time-to-time establish overlay
21 districts in accordance with the provisions of chapter 34 of
22 this code. The establishment of an overlay district shall
23 constitute and be construed as an amendment to the zoning map.

24 ~~Sec. 49-110.2 Definition And Rules~~

1 ~~(a) An overlay district shall be defined as an ordinance~~
2 ~~calling for the establishment of certain zoning protection,~~
3 ~~which includes development standards and design guidelines,~~
4 ~~over a specified area within the city's jurisdiction, and~~
5 ~~which shall be based upon a city approved conceptual design,~~
6 ~~setting forth certain goals and objectives for the district.~~

7 ~~(b) Said ordinance shall set forth a title for the district~~
8 ~~in the form of "_____ District," and include the~~
9 ~~following:~~

10 ~~(1) A legal description of the property to be included~~
11 ~~in the overlay district.~~

12 ~~(2) A plat or map showing boundaries of the overlay~~
13 ~~district.~~

14 ~~(3) A written explanation of the general character of~~
15 ~~the overlay district including:~~

16 ~~(4) A description of all land use categories to be~~
17 ~~included in such district (including open space) with~~
18 ~~approximate percentages or, alternatively, maximum or~~
19 ~~minimum percentage limitations for each use,~~

20 ~~(5) Projected densities for residential uses or,~~
21 ~~alternatively, maximum and minimum limitations for such~~
22 ~~densities,~~

1 ~~(6) A description of the development standards,~~
2 ~~applicable to the goals and objectives adopted by the~~
3 ~~city in the conceptual design.~~

4 ~~(7) A plat or map of the overlay district which shall~~
5 ~~show its relation to existing roads and highways,~~
6 ~~traffic circulation features adjacent to the district,~~
7 ~~existing zoning of the district and adjacent properties~~
8 ~~and a generalized plan of existing utilities which will~~
9 ~~serve the district.~~

10 ~~(8) A topographical survey of the overlay district at~~
11 ~~five-foot contour intervals, which may be taken from~~
12 ~~U.S.G.S. information, showing the limits of the highest~~
13 ~~recorded flood if available from public documents. (This~~
14 ~~requirement shall apply only if the district is adjacent~~
15 ~~to a designated flood prone area).~~

16 ~~(9) The existing limits of floodplain in the overlay~~
17 ~~district if such limits have been mapped by the~~
18 ~~Northeastern Illinois Planning Commission or another~~
19 ~~public agency. (This requirement shall apply only if the~~
20 ~~district is adjacent to a designated flood prone area).~~

21 ~~(10) A description of the modifications from this~~
22 ~~ordinance or the city subdivision control ordinance~~
23 ~~which are part of the ordinance establishing an overlay~~
24 ~~district.~~

1 ~~(c) Said development standards and design guidelines shall~~
2 ~~be written in the following format:~~

3 ~~(1) Development Standards by Parcel~~

4 ~~(2) Title and Description of the Parcel~~

5 ~~(3) Statement of intent.~~

6 ~~(4) Specific parcel rules and definitions.~~

7 ~~(5) Permitted uses.~~

8 ~~(6) General provisions.~~

9 ~~a. Plan approval procedures.~~

10 ~~b. Signage.~~

11 ~~c. Landscaping and screening.~~

12 ~~d. Parking and loading.~~

13 ~~e. Performance standards.~~

14 ~~f. General restrictions.~~

15 ~~(7) Nonconforming buildings and uses.~~

16 ~~(8) Conditional uses.~~

17 ~~(9) Accessory buildings and uses.~~

18 ~~(10) Bulk restrictions.~~

19 ~~a. Maximum lot area coverage by building and pavement.~~

20 ~~b. Minimum lot size and width.~~

21 ~~c. Required yard areas.~~

22 ~~d. Permitted obstructions in required yard areas.~~

23 ~~e. Maximum height.~~

24 ~~(11) Design guidelines.~~

1 ~~a. Exterior building materials.~~

2 ~~b. Exterior building design.~~

3 ~~c. Roof design.~~

4 ~~d. Width and height proportions.~~

5 ~~e. Street furniture.~~

6 ~~f. Maintenance.~~

7 ~~g. Mechanical services.~~

8 ~~(d) Any parcel of land within an overlay district shall also~~
9 ~~be subject to the underlying zoning district regulations~~
10 ~~provided for within this ordinance, except where specifically~~
11 ~~modified, and shall be in accordance with the conditions and~~
12 ~~requirements of both districts as specifically addressed.~~

13 ~~(e) An overlay district may exclude specified permitted uses~~
14 ~~and include specified uses not permitted by the regulations~~
15 ~~of the underlying zoning district in which it is located,~~
16 ~~provided that:~~

17 ~~(1) The uses permitted by such modifications are~~
18 ~~necessary or desirable and are appropriate with respect~~
19 ~~to the primary purpose of the overlay district; and~~

20 ~~(2) The uses permitted by such modifications are not of~~
21 ~~such a nature or so located as to exercise an undue~~
22 ~~detrimental influence on the surrounding neighborhood;~~
23 ~~and~~

1 ~~(3) In an industrial overlay district, such different~~
2 ~~uses allowed by modifications shall conform to the~~
3 ~~performance standards of the underlying zoning district~~
4 ~~in which the area is located.~~

5 ~~(f) An overlay district may include modifications to the~~
6 ~~bulk regulations set forth in the underlying zoning district~~
7 ~~regulations in which it is located, provided that:~~

8 ~~(g) Such modifications are necessary or desirable and are~~
9 ~~appropriate with respect to the primary purpose of the overlay~~
10 ~~district; and~~

11 ~~(h) Such modifications are not of such a nature as to~~
12 ~~exercise an undue detrimental influence on the surrounding~~
13 ~~neighborhood; and~~

14 ~~Sec. 49-110.3 Pre-Consideration Review~~

15 ~~(a) Prior to the city initiating the procedures for the~~
16 ~~establishment of an overlay district set forth in this section,~~
17 ~~the city shall adopt a conceptual design that sets forth the~~
18 ~~goals and objectives of the proposed overlay district.~~

19 ~~(b) Said concept may be developed by the city and/or a~~
20 ~~special commission or tank force established by the mayor and~~
21 ~~city council.~~

22 ~~(c) At such pre-consideration review, the city shall review~~
23 ~~the following as they relate to the proposed concept:~~

1 ~~(1) General plan and physical development policies of~~
2 ~~the city.~~

3 ~~(2) Existing zoning and land use in the general area of~~
4 ~~the property in question.~~

5 ~~(3) The zoning history in the general area of the~~
6 ~~property in question.~~

7 ~~(4) Other pertinent factors.~~

8 ~~(d) After the completion of the required pre-consideration~~
9 ~~review, a resolution adopting the conceptual design for an~~
10 ~~overlay district shall be considered for approval by the city.~~

11 ~~Sec. 49-110.4 Procedures To Establish District~~

12 ~~The city council may from time to time establish overlay districts~~
13 ~~in accordance with the provisions of chapter 34 of this code. The~~
14 ~~establishment of an overlay district shall constitute and be~~
15 ~~construed as an amendment to the zoning map.~~

16 ~~49-110.5 Preliminary Plan Submission~~

17 ~~(a) Prior to the issuance of a permit for any exterior~~
18 ~~improvements, including but not limited to new construction,~~
19 ~~new or redesignated or altered signage, demolition, paving,~~
20 ~~or any other action that would alter property in an overlay~~
21 ~~district in a manner regulated by said overlay district, an~~
22 ~~applicant shall pursue the preliminary and final plan process~~
23 ~~if applicable pursuant to the specific overlay district~~
24 ~~regulations. No such permits shall be issued until and unless~~

1 ~~said plans have been approved by the city and a "Certificate~~
2 ~~of Appropriateness" (CA) has been issued.~~

3 ~~(b) Preliminary plan requirements. Preliminary plans shall~~
4 ~~contain the following:~~

5 ~~(1) A completed application listing the statement of~~
6 ~~planning objectives, a time schedule, and modifications~~
7 ~~to city ordinances, with an attached survey of the area~~
8 ~~in question, prepared and certified by a registered~~
9 ~~Illinois surveyor.~~

10 ~~(2) A drawing of the area that conforms to the scale~~
11 ~~and contains standard information that the zoning~~
12 ~~administrator shall by rule require.~~

13 ~~Sec. 49-110.6 Preliminary Plan Approval~~

14 ~~(a) Preliminary plans and revisions thereof for all parcels~~
15 ~~within the overlay district shall be submitted for approval~~
16 ~~in accordance with the procedures set forth in this section.~~

17 ~~(b) Approval of preliminary plans may not be withheld for~~
18 ~~reasons that would be inconsistent with the approved~~
19 ~~development standards and design guidelines.~~

20 ~~(c) In approving a preliminary plan, the design review~~
21 ~~committee may, without further public hearing, also approve~~
22 ~~changes from the development standards provided that no such~~
23 ~~change is a "major change" as defined in this section.~~

1 ~~(d) Major changes from the development standards shall not~~
2 ~~be made without consideration of such changes at a public~~
3 ~~hearing held in accordance with the provisions of chapter 34~~
4 ~~in the case for establishment of an overlay district.~~

5 ~~(e) A major change shall be a change that substantially~~
6 ~~alters the percentages or the maximum or minimum percentage~~
7 ~~limitations for each use, projected densities for residential~~
8 ~~uses or the maximum or minimum limitations for such densities,~~
9 ~~or the intent and purpose of the development standards. This~~
10 ~~may be further specified in each overlay district.~~

11 ~~Sec. 49-110.7 Final Plan Submission~~

12 ~~(a) Following and/or concurrent with the approval of a~~
13 ~~preliminary plan, and prior to the issuance of a permit for~~
14 ~~the purposes detailed in this section, an applicant shall~~
15 ~~submit final plans for properties located in an overlay~~
16 ~~district, for review and approval. No permits for the purposes~~
17 ~~detailed in this section shall be issued until and unless~~
18 ~~said final plans have been approved by the city if applicable~~
19 ~~pursuant to the specific overlay district regulations. No~~
20 ~~such permits shall be issued until and unless said plans have~~
21 ~~been approved by the city and a "certificate of~~
22 ~~appropriateness" has been issued.~~

23 ~~(b) Final plan requirements. Final plans shall contain the~~
24 ~~following, as applicable:~~

1 ~~(1) A completed application listing the statement of~~
2 ~~planning objectives, a time schedule, proposed covenants,~~
3 ~~restrictions and conditions, and variations to city~~
4 ~~ordinances.~~

5 ~~(2) A drawing of the area using an accurate engineering~~
6 ~~scale and containing such standard information as the~~
7 ~~zoning administrator shall by rule require.~~

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