

## ARTICLE F. TECHNOLOGY OVERLAY DISTRICT (TOD)

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### **10-8F-1: DEFINITIONS:**

“Data Center” means a facility used for the storage, management, processing, and transmission of digital data which houses computers, servers and network equipment related to digital data operations and delivery.

“Department” means the Lee County Building and Zoning Department, which includes the Zoning Administrator, Building Official, and other designated staff responsible for administering and enforcing the provisions of this Title.

“Technology Capital-Intensive Advanced Manufacturing Facility” means a high-tech production site that leverages substantial financial investment in cutting-edge machinery, automation, robotics, and digital systems (e.g., IoT, AI, or additive manufacturing) to produce sophisticated goods with precision, efficiency, and minimal human intervention. Examples include but are not limited to semiconductor fabrication plants, electric vehicle battery gigafactories, pharmaceutical biologics production facilities, and aerospace component manufacturing.

“Technology College, University or Technical School” means an institution of higher education that focuses primarily on applied sciences, engineering, information technology, and vocational or technical skills training.

“Technology Overlay District (TOD)” means a special-use overlay zoning district where specific land-use regulations and incentives are implemented to attract and concentrate technology-driven businesses, research institutions, and innovation-focused development.

“Technology Research and Development Facility” means a specialized center designed to advance scientific discovery, technology innovation, and product development through systematic experimentation, prototyping, and testing. Examples include but are not limited to corporate research and development laboratories, government-funded centers, and university-affiliated tech hubs.

“TOD Campus” means a planned, mixed-use development consisting of a minimum of one hundred twenty-five (125) contiguous acres within a designated Technology Overlay District that is comprised of technology-driven businesses, research institutions, and innovation-focused developments, and supporting amenities.

“Utility Service, Major” means a commercial solar energy facilities producing two (2) megawatts (MW) or more of electricity which leaves the TOD site boundaries, and where the commercial solar energy facility is the principal, sole use of a parcel within the TOD. This use shall adhere to 10-15-20 of the *Lee County Revise Zoning Ordinance*.

“Utility Service, Minor” means small-scale, essential infrastructure installations or upgrades that support the operations of a Technology Overlay District without requiring extensive construction or disruptive land use. Examples include but are not limited to underground wiring for 5G small-cell networks, stormwater bioswales with IoT sensors, auxiliary power units for lab equipment.

#### **10-8F-2: PROHIBITION:**

No development governed by this Article shall be constructed, erected, installed, or located within the County, unless prior siting approval and building permits have been obtained pursuant to this Title.

#### **10-8F-3: STATEMENT OF INTENT:**

A. The Technology Overlay District (TOD) is hereby created for the purpose of promoting the development of technology centers in areas of the country where existing or proposed infrastructure could adequately support the proposed use.

B. By their nature, these uses may require sizeable acreage, often operating and designed in a campus-like atmosphere, and are developed with a functional separation from dense residential and commercial retail development.

C. The TOD may be designated by the county as a special use overlay of existing Agricultural and Industrial zoning districts.

#### **10-8F-4: USE REGULATIONS:**

A. Size and Location. Lands in the TOD shall encompass a minimum of one hundred twenty-five (125) contiguous acres as part of a TOD campus. Properties in the TOD shall be located in close proximity to high voltage power transmission lines of 115kv or more. Additionally, parcels in the TOD shall be located on lands which can be served by adequate infrastructure, including public water and sewer (or other suitable groundwater and septic systems), and a road network with acceptable capacity that can serve the TOD’s intended uses expressed herein.

B. TOD Adoption. The TOD boundaries and any future amendments shall be created by ordinance upon adoption by the County based on boundaries established using a map.

C. TOD Overlay/Zoning. The TOD shall overlay the existing zoning district and impose additional restrictions. Where conflicts arise between TOD and underlying zoning regulations, the provisions of the TOD shall govern. If the TOD is silent, and the underlying zoning district is not, the underlying regulations apply. To assist in evaluating compatibility, the Building and Zoning Department shall maintain a cross-reference matrix comparing TOD requirements to underlying Agricultural and Industrial District standards. This matrix shall be used as an interpretive guide during application review.

D. Permitted Principal Uses: Data centers; technology research & development (R&D) facilities; technology capital-intensive advanced manufacturing facilities; co-working/incubator spaces for tech start-up; technology college, university or technical school; conference or training center; utility service, major; utility service, minor; and other uses as provided under TOD in the table in section 10-9-1 of this Title, along with special uses set forth thereon. Until such time as TOD-specific rows are added to these tables, permitted and special uses shall be governed by this Article and any amendments by the County Board.

E. Special Uses: cryptocurrency mining; drone testing/launch facilities; 24/7 operations (e.g., data centers with night deliveries); energy storage as a principal use; commercial energy generation and other uses as provided under TOD in the table in section 10-9-1 of this Title.

F. Accessory Uses: water treatment plant, public or privately owned; sewage treatment plant, public or privately owned; elevated water storage tank or tower; telecommunications tower; district heating or cooling facility; food service facility; security building; general storage and maintenance facility; structured parking; general office; and other uses as provided under TOD in the table in section 10-9-2 of this Title.

G. Accessory Special Uses: energy storage; energy generating facility.

H. TOD Design Standards. TOD facilities shall meet the following design guidelines:

1. Principal Building Facades.

- a. Principal building facades shall include all building facades substantially visible to adjacent public roads and streets. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatments. Principal building facades associated with new construction within the TOD shall meet the following standards:

- i. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements:
  - A. Change in building height.
  - B. Building step-backs or recesses.
  - C. Fenestration.
  - D. Change in building material, pattern, texture, color.
  - E. Use of accent materials.
- ii. Buildings not visible from adjacent roads or properties due to buffering shall not be required to have differentiated design elements.
- iii. Building Façade Material Requirements
  - A. The following primary and secondary materials are permitted and shall include: a tinted texture masonry block, pre-cast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, wood siding and smooth-faced concrete blocks.
  - B. Precast concrete must contain other materials embedded within and articulated with design detailing or have application of other building materials to create design interest.
  - C. Notwithstanding anything to the contrary herein, the County may approve alternative building facades and features and building facade materials.

## 2. Screening of Accessory Equipment.

- a. To minimize visibility from adjacent public roads and adjacent properties, ground level and rooftop accessory equipment shall be screened from public roads and streets abutting residentially zoned or planned properties. This screening may be provided by a principal building or existing vegetation that will remain on or is within a landscaping/buffer easement on an adjacent property. Accessory equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, accessory equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the County's Building Official, shall not be required to be screened.
- b. Notwithstanding anything to the contrary herein, this Section D shall not apply to permitted accessory uses, including without limitation electric substations, transmission, and distribution facilities.

## 3. Landscaping.

- a. A minimum of ten (10) percent open space shall be maintained for each group of contiguous parcels within the TOD, inclusive of undeveloped wetlands, steep slopes, stormwater areas, or water left in undisturbed,

open condition or developed as a landscaped or buffer area for buildings, streets or parking lots, areas used primarily for resource protection or recreational purposes.

- b. If created, individual parcels within the TOD are required to submit a landscaping plan with a site plan.
- c. Required landscaping is to be maintained in perpetuity.

#### 4. Perimeter Buffers.

General Buffer Requirements (Applies to all TOD uses except Data Centers):

- a. All buffers shall be inclusive of required setbacks.
- b. All roads and utility rights-of-way and easements are permitted to cross all TOD buffered areas. Stormwater management features are prohibited in the buffer area, except by variance approved by the County Board.
- c. Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the county to provide minimal visual screening from adjacent land uses.
- d. Buffers shall be shown on the TOD campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.
- e. Minimum Buffering Requirements
  - i. Adjacent to Residential District Uses. Minimum buffer area shall be two hundred (200) feet.
  - ii. Adjacent to Agricultural, Commercial and Industrial District Uses. Minimum buffer area shall be one hundred (100) feet.
  - iii. Adjacent to Primary Public Roads. Minimum buffer area shall be one hundred fifty (150) feet. Primary public roads include state, county and improved township roadways.
  - iv. Adjacent to Secondary Public Roads. Minimum buffer area shall be one hundred (100) feet. Secondary Public Roads are all roads not defined as primary roads.
  - v. TOD, Internal Parcel Buffers. Where multiple parcels within the TOD are included in a development master plan, buffer requirements shall not apply to internal parcel lines. Where internal parcels lines intersect with perimeter parcel lines, the TOD perimeter buffer regulations shall apply.

Buffer Requirements for Data Centers:

- f. All buffers shall be inclusive of required setbacks.
  - g. All roads and utility rights-of-way and easements are permitted to cross all TOD buffered areas. Stormwater management features are prohibited in the buffer area, except by variance approved by the County Board.
  - h. Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the county to provide minimal visual screening from adjacent land uses.
  - i. Buffers shall be shown on the TOD campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.
  - j. Minimum Buffering Requirements
    - vi. Adjacent to Residential District Uses. Minimum buffer area shall be two hundred (200) feet.
    - vii. Adjacent to Agricultural, Commercial and Industrial District Uses. Minimum buffer area shall be one hundred (100) feet.
    - viii. Adjacent to Primary Public Roads. Minimum buffer area shall be one hundred (100) feet. Primary public roads include state, county and improved township roadways.
    - ix. Adjacent to Secondary Public Roads. Minimum buffer area shall be fifty (50) feet. Secondary Public Roads are all roads not defined as primary roads.
    - x. TOD, Internal Parcel Buffers. Where multiple parcels within the TOD are included in a development master plan, buffer requirements shall not apply to internal parcel lines. Where internal parcels lines intersect with perimeter parcel lines, the TOD perimeter buffer regulations shall apply.
5. Minimum Lot Sizes. There is no minimum lot size applicable to the TOD, so long as the minimum requirement for total lands included in the TOD is met.
6. Fencing. Fencing of the property improvements shall be located inside the buffer area.
7. Setback Requirements.
- a. Adjacent to Primary Public Roads. No buildings shall be permitted closer than one hundred fifty (150) feet. Primary public roads include state, county and improved township roadways.
  - b. All roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the center of the roadway, plus half of the full width of the roadway surface.

- c. Adjacent to Residential and Agricultural District Uses: No building, parking, outdoor storage areas for collection of refuse, or loading area shall be permitted closer than two hundred (200) feet from any residential or planned residential district, or development zone allowing residential development, or agricultural land.
  - d. Adjacent to Commercial and Industrial Districts. No buildings, parking, outdoor storage or loading areas shall be permitted closer than one hundred (100) feet from commercial or industrial use districts.
  - e. Setbacks Between Buildings. Within the TOD where individual lots or building sites are provided, the minimum setback between buildings on adjacent lots or building sites shall be twenty-five (25) feet, unless a variation of this requirement is approved by the County Board. Driveways, parking, and covered entrances may be within the aforesaid setback area; however, no such facility may be closer than five (5) feet to any adjoining lot line. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such setback areas.
8. Building Height. A maximum height of Eighty Five (85) feet from the vertical dimension of a structure as measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge (mid-line of the roof) for a gable, hip, or gambrel roof. These height limitations shall not apply to parapets, screening, spires, belfries, cupolas, antennas, communication towers, air cooling ventilation equipment, ventilators, or other appurtenances usually required to be placed on the roof level and not intended for human occupancy nor does it apply to any utility infrastructure facility. Electric transmission, distribution and substation facilities, and towers (water or other) shall be excluded from the maximum height requirements. A variance to exceed the maximum building height regulations provided herein may be granted by the County Board.

Requests to exceed the maximum building height of 85 feet shall demonstrate:

- 1. Functional necessity of additional height (e.g., cooling systems, research towers).
- 2. Minimal visual impact on surrounding areas, especially from public roads or residential zones.
- 3. Use of design or screening to reduce perceived massing.

The County Board shall consider these factors when evaluating a variance.

9. Lighting Requirements.
- a. Fully shielded lighting fixtures shall be used in all areas. Lighting that is exempt from these requirements includes temporary lighting and lighting provided for emergency or safety purposes as required by: the Building

Code, Electric Code, or otherwise within the County Code. Signage related to the authorized uses shall not be illuminated.

- b. Parking lot, access and security lighting shall not exceed a height of thirty (30) feet.
- c. Pedestrian and walkway lighting structures shall not exceed a height of twelve (12) feet.
- d. Security Entrance Gates: A minimum illumination of 3 foot-candles (30 lux) is required to support safe and secure operation of the gate area.

10. Use of Public Roads. Prior to the issuance of a building permit within the TOD campus, the Applicant/Developer shall enter into a Road Use Agreement with governing road authorities at their discretion. The Road Use Agreement shall include without limitation a Traffic Impact Analysis, requirements that regulate the construction traffic impacts, requirements for repairing damages to roadway base, surface and appurtenances, in addition to providing for roadway surface upgrade, governing practices regarding utility installations on or near the rights-of-way, County requirements that include providing permits when proper information is provided by the Applicant/Developer, requirement for a Certificate of Liability Insurance, requirement for a financial security instrument in the amount of one hundred twenty-five percent (125%) of the estimated roadway base damage repair and roadway surface repairs and upgrades, and consulting fund.

11. Compliance with Additional Regulations. Nothing in this Article is intended to preempt other applicable state and federal laws and regulations.

12. Noise Levels. Noise levels within the TOD shall comply with the applicable Illinois Pollution Control Board (IPCB) regulations. Upon request by the County, Applicant/Developer shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics necessary for a competent noise analysis. The Applicant/Developer, using a qualified professional, shall appropriately demonstrate compliance with the applicable noise requirements, and a report confirming compliance shall be provided to the Lee County Building and Zoning Department within fifteen (15) days of the request by the County.

13. As-built Map and Plans. Within sixty (60) calendar days of the completion of each phase of construction, the Applicant/Developer or Operator shall deliver to the Lee County Building and Zoning Department and Lee County Supervisor of Assessments, "as-built" maps, site plans and engineering plans that have been signed and sealed by a Professional Engineer and an Illinois licensed land surveyor. Plans shall be submitted to the Department and coordinated with the Building Official for structural review as required.

14. Decommissioning.



- a. A decommissioning plan shall be required for the following developments within the TOD:
  - i. Telecommunications facilities (towers, hubs, small cells).
  - ii. Renewable energy facilities with tech components (e.g., battery storage).
- b. Decommissioning plan submission requirements. The Applicant/Developer shall submit a plan including:
  - i. Triggering events (e.g., abandonment; cessation of operations for six (6) consecutive months for data centers, high-tech manufacturing or R&D facilities; cessation of operations for twelve (12) consecutive months for all other facilities; revocation of the TOD by the County; bankruptcy).
  - ii. Removal process:
    - 1. Dismantling and disposal of structures, equipment and hazardous materials (per local, State and Federal regulations).
    - 2. Recycling/reuse of materials where feasible.
  - iii. Site Restoration:
    - 1. Grading and revegetation to match surrounding land.
    - 2. Removal of foundations, utilities, and access roads (unless the County requests they be retained for future use).
  - iv. Cost Estimate & Financial Assurance:
    - 1. A detailed cost estimate with documentation supporting the calculation of costs provided in said plan, to be reviewed by a third-party consultant that is to be hired by Lee County but paid for by the Applicant/Developer.
    - 2. Prior to the issuance of a building permit for any of the structures and/or facilities provided under Section 4(D)(14)(a)(i) through (iv), Applicant/Developer shall provide financial assurance to the County in the form of cash escrow, irrevocable letter of credit, or performance bond, in an amount equivalent to one hundred twenty-five percent (125%) of the estimated costs. The financial assurance is to be held by the County.
    - 3. The cash escrow, letter of credit or performance bond shall be adjusted every five (5) for inflation.
    - 4. The financial assurance may only be used for decommissioning if the owner fails to act.
  - v. Compliance & Enforcement.
    - 1. The County's Building Official shall conduct annual reviews of all active TOD facilities.
    - 2. Failure to submit and/or maintain a decommissioning plan may result in:
      - A. Fines of up to \$50,000 per day.
      - B. Revocation of TOD designation.

C. Use of financial assurance for County-led remediation.

vi. Exemptions & Waivers. The County Board may grant modifications for:

1. Temporary disruptions (e.g., short-term maintenance).
2. Facilities with approved adaptive reuse plans.

The Building and Zoning Department shall be responsible for coordinating enforcement actions under this section. Annual site reviews shall be documented, and violations referred to the County State's Attorney as needed.

15. Liability Insurance. Prior to the issuance of a building permit, the Applicant/Developer shall provide proof of the following insurance coverage, maintained for the life of the project:

- a. Commercial General Liability: \$5 million per occurrence and \$5 million in the aggregate.
- b. Pollution/Environmental Liability: \$10 million.
- c. Umbrella Policy: up to \$100 million excess coverage depending on the use.
- d. Cyber Liability Insurance.
- e. Workers' Compensation
- f. The County of Lee, Illinois, its officers and employees shall be included as additional insureds on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims-made policies.

16. Indemnity. The Applicant/Developer shall defend, indemnify and hold harmless Lee County and their officials from and against any and all claims, demands, losses, lawsuits, causes of action, damages, injuries, costs, expenses and liabilities, whatsoever, including but not limited to, reasonable attorney's fees arising out of the acts or omissions of the Applicant/Developer concerning the operations within the TOD campus, without limitation, whether said liability is premised upon either the contract or tort actions or other related claimed legal theory.

#### I. TOD Application.

1. To obtain siting approval, the Applicant must first submit a Petition for Technology Overlay District (TOD) and TOD application to the County.
2. The TOD application shall contain or be accompanied by the following information:
  - a. A TOD Summary, including, to the extent available:
    - i. A general description of the project.

- ii. Applicant/developer contact details.
    - iii. Property owner information (if different from applicant).
    - iv. Legal description of the parcel(s), including Property Index Number(s) (PIN).
    - v. Zoning classification(s) for each parcel including in the Petition.
    - vi. Existing and proposed land use.
  - b. A boundary survey.
  - c. Architectural drawings.
  - d. Elevations.
  - e. Landscape plan.
  - f. Site plan.
  - g. Site engineering.
  - h. Natural Resources Information Report prepared by the Lee County Soil and Water Conservation District for all parcels including the petition.
  - i. All studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Article.
  - j. Topographic map for all parcels included in the petition and all parcels adjoining the proposed TOD.
  - k. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures, including but not limited to a stormwater management plan approved by the County Engineer and Natural Resources Information Report.
  - l. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCAT) or comparable successor tool.
  - m. Results of any United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service's wildlife guidelines.
  - n. Information demonstrating proposed development will avoid protected lands.
  - o. Any other information requested by the County or the County consultants that is necessary to evaluate the siting application and operation of the TOD and to demonstrate that the TOD meets each of the regulations in this Article.
3. The Applicant shall meet with the Building and Zoning Department to explain the development proposed, discuss procedures and obtain the petition form.
  4. The Applicant shall file the Petition for TOD, application and filing fee with the Building and Zoning Department.
  5. The Building and Zoning Department shall transmit the application to the County Board who will then transmit the petition and application to the Zoning Hearing Officer for public hearing. Following the public hearing, the Zoning

Hearing Officer will transmit his or her review, determination, findings of fact, recommendation, and proposed conditions to the County Board for approval, denial or conditional approval or conditional denial of the petition.

6. During the public hearing, the Zoning Hearing Officer shall review and determine whether the proposed improvement(s) complies with the intent and all applicable requirements of the TOD and its provisions, including without limitation those pertaining to the appearance and arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, drainage, signs and other improvements.
7. Following the public hearing, the Zoning Hearing Officer shall submit to the County Board within seven (7) days of the completion of the public hearing, his or her findings, determination, recommendation for approval, denial or conditional approval or conditional denial, and proposed conditions.
8. Once the County Board receives the findings, determination, recommendation for approval, denial or conditional approval or conditional denial, and proposed conditions from the Zoning Hearing Officer, the County Board shall act on the petition within thirty (30) days from the date the public hearing concludes.

#### **10-8F-5: BULK REGULATIONS:**

Unless otherwise delineated in this Article, the bulk regulations of the underlying zoning district shall apply, as provided in section 10-9-3 of this Title. Where bulk regulations conflict with this Article, the regulations of this Article shall apply.

#### **10-8F-6: PARKING REQUIREMENTS:**

As provided in Chapter 11 of this Title. For uses not specifically addressed in Chapter 11, such as data centers, energy storage facilities, and advanced manufacturing, parking shall be evaluated on a case-by-case basis. The applicant shall submit a parking demand study and justification based on national standards (e.g., ITE Parking Generation Manual) or comparable data, subject to approval by the Building and Zoning Department.

**10-8F-7: ADMINISTRATION AND ENFORCEMENT:** The Lee County Building and Zoning Department shall administer and enforce the provisions of this Article. Where specific authority is granted to the Zoning Administrator or Building Official, such duties shall be carried out under the oversight of the Department. The Lee County Building and Zoning Department may designate responsibilities to appropriate personnel as needed.