

STATE OF ILLINOIS )  
 )  
COUNTY OF LEE )

TO THE LEE COUNTY BOARD

IN THE MATTER OF THE PETITION )  
 )  
OF )  
 )  
Lee County Zoning Office )  
112 E. 2<sup>nd</sup> Street )  
Dixon, Illinois 61021 )  
 )

PETITION NO. 25-PC-79

**RECEIVED**

**APR 11 2025**

**PETITION: Text Amendment**

**BY:** ah

The Petitioner, Lee County Zoning Office, states as follows:

1. The Petitioner desires to amend Title 10: ZONING REGULATIONS, CHAPTER 8: Overlay Districts of the Lee County Code of Ordinances to create standards a Technology Overlay District (TOD), as reflected in Exhibit A, which is attached hereto and made a part hereof..

LEE COUNTY ZONING OFFICE, Petitioner

April 11, 2025

Date

BY

Alice Henkel  
Alice Henkel, Zoning Administrator

**LEE COUNTY REGIONAL PLANNING COMMISSION  
PUBLIC HEARING TO BE HELD:**

**Monday, May 5, 2025, at 6:30 p.m. 3<sup>rd</sup> floor, County Boardroom  
Old Lee County Courthouse, 112 E. 2<sup>nd</sup> Street, Dixon, Illinois 61021**

## CHAPTER 8 OVERLAY DISTRICTS

### ARTICLE A. CONCENTRATED LIVESTOCK PRODUCTION DISTRICTS AND LIVESTOCK MANAGEMENT FACILITIES

SECTION:

[10-8A-1: Use Regulations](#)

[10-8A-2: District Restrictions](#)

[10-8A-3: Owner's Compliance Affidavit; Revocation](#)

[10-8A-4: Public Policy](#)

#### **10-8A-1: USE REGULATIONS:**

The concentrated livestock production district is a special use granted to the owner of a property classified as agricultural which, after petition by the owner, has been found to meet the district restrictions and the public policy concerns set out herein prior to the effective date of this article. The district is designated R,S under AG-2 and AG-3 in the table in section [10-9-1](#) of this title. No applicant has the absolute right to the district designation. Failure to grant the designation in the future does not prevent the owner from carrying on the activities set out in section [10-4-2](#) of this title in the AG-1 district, subject to regulations applying to livestock management facilities, where applicable. (Ord. 12-05-001, 12-20-2005)

#### **10-8A-2: DISTRICT RESTRICTIONS:**

A. Any livestock producer operating a concentrated agricultural facility (usually less than 7 acres) used solely for a period of at least one hundred eighty (180) days per annum for the following uses pursuant to a special use granted prior to the effective date of this article, is eligible to continue said AG-2 or AG-3 special use:

<b>Product</b>	<b>AG-2 Annual Production Of</b>	<b>AG-3 Annual Production In Excess Of</b>
<b>Product</b>	<b>AG-2 Annual Production Of</b>	<b>AG-3 Annual Production In Excess Of</b>
Beef (pounds)	50,000 to 600,000	600,000
Pork (pounds)	50,000 to 400,000	400,000
Eggs (dozen)	10,000 to 30,000	30,000
Broiler chicken (pounds)	20,000 to 65,000	65,000
Milk (pounds)	300,000 to 2,000,000	2,000,000
Lamb or mutton (pounds)	20,000 to 80,000	80,000

Turkey (pounds)	40,000 to 130,000	130,000
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B. Within sixty (60) days after approval by the county board of this article, an AG-2 or AG-3 concentrated livestock production district, the zoning enforcement officer shall mark the circumference of the existing districts and note the extent of the areas restricted by public policy on the official zoning classification map and the zoning maps. (Ord. 12-05-001, 12-20-2005)

**10-8A-3: OWNER'S COMPLIANCE AFFIDAVIT; REVOCATION:**

A. The continuation of the AG-2 and AG-3 district special use is not a matter of right but is contingent upon the annual filing of an affidavit and certification by the concentrated livestock production district owner or operator, by March 1 of each year, that it continues to meet the requirements of the district, and that the facility complies with any state laws regarding the operation of livestock management facilities, if applicable, in such form as is set out in the "County Development Manual" from time to time.

B. In the event no such annual affidavit and certification is timely filed, it shall be the duty of the zoning enforcement officer to investigate any such AG-2 or AG-3 district. If after investigation the zoning enforcement officer determines that the area has not been used solely for a period of one hundred eighty (180) days in the prior year as a concentrated livestock production district, said zoning enforcement officer shall petition the board of appeals to revoke the designation and to rezone the property to AG-1.

C. The board of appeals shall thereafter provide notice of hearing and proceed in accordance with the same requirements applicable to any other map amendment.

D. If the county board revokes the AG-2 or AG-3 designation the zoning enforcement officer shall remove the district and the noted public policy restrictions from the official zoning classification map within sixty (60) days from the date of the county board decision. The zoning enforcement officer shall also notify the board of trustees of any township in which the property is located, which has established a plan commission, of any such removal within said sixty (60) day period. (Ord. 12-05-001, 12-20-2005)

**10-8A-4: PUBLIC POLICY:**

A. It is hereby declared to be the public policy of the county that no new subdivisions, mobile home parks, industrial development, publicly owned recreation areas or schools shall be allowed within one-half ( $1/2$ ) mile of any existing AG-2 district, or one mile of any existing AG-3 district.

Notwithstanding the aforesaid county public policy, the board of appeals may grant variations on a case by case basis from the setback requirements in existing AG-2 and AG-3 districts after a hearing and making written findings that the public interest and the interest of the livestock production facility are not adversely affected by the development of any of the aforesaid uses, and imposing on any such development conditions including waivers being obtained from any owners or subdividers thereof, binding them, and running with the land, acknowledging the inherent disadvantages involved with development in proximity to livestock production facilities and holding harmless the livestock production facility from claims and/or damages resulting from the lawful

operations of the livestock production facility. In granting any such variations, the board of appeals shall take into consideration such factors as prevailing winds, intervening topography, location of waste disposal facilities and any other factors which in the opinion of the board of appeals are relevant to its decision.

B. Unless waivers have been obtained pursuant to 510 Illinois Compiled Statutes 77/35(g), no new livestock management facility will be allowed within one-half (1/2) mile of any existing municipalities, FPA, DPA, as designated on the comprehensive plan, subdivisions, publicly owned recreation areas, state or national parks or schools. Where applicable, the petitioner must also comply with any additional setback requirements set forth in 510 Illinois Compiled Statutes 77/35(d) and any state regulations promulgated thereunder.

C. No AG-2 districts existing as of the effective date of this article, that may now qualify as an AG-3 district shall be permitted to obtain an AG-3 designation in the future.

D. All uses in an AG-2 and AG-3 concentrated livestock production district are subject to the same performance standards and other restrictions as apply to the AG-1 agricultural district. (Ord. 12-05-001, 12-20-2005)

## ARTICLE B. TRADITIONAL-NEIGHBORHOOD DISTRICT

### SECTION:

#### [10-8B-1: Scope](#)

#### [10-8B-2: Use Regulations](#)

#### [10-8B-3: Accessory Uses](#)

#### [10-8B-4: Bulk Regulations](#)

#### [10-8B-5: Parking Requirements](#)

#### **10-8B-1: SCOPE:**

The regulations set forth in this article, or set forth elsewhere in this title, when referred to in this article, are the district regulations in the traditional-neighborhood district. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-2: USE REGULATIONS:**

Transitional planned mixtures of land uses appropriate and complementary to existing uses in the unincorporated towns and hamlets in the county including predominantly single-family residential, neighborhood residential, multi-family residential, neighborhood commercial, office, institutional, active recreation and agribusiness, principal and special uses, primarily sited in, and adjacent to, unincorporated towns and hamlets in order to avoid conflict between farming and other land uses, as set out under TN in the table in section [10-9-1](#) of this title. Prior to classifying a lot or area as TN a plan should be developed by the zoning administrator in cooperation with the township commissioners or other officials having jurisdiction over the unincorporated town or hamlet where the traditional-neighborhood district is to be located in order to ensure that the proposed uses are compatible with surrounding uses. Liberal use of variations and strict appearance requirements should be imposed to ensure compatibility with any surrounding uses. The

zoning administrator with the approval of the county board, may retain planning consultants to evaluate any plan submitted by an applicant involving more than five (5) acres and the cost of said consultants may be assessed to the applicant. Upon approval of any said TN district by the county board the boundaries of said district will be designated on the zoning maps. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-3: ACCESSORY USES:**

In addition to the principal uses set out above, a lot or structures thereon may be used for the purposes set out under TN in the table in section [10-9-2](#) of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-4: BULK REGULATIONS:**

As provided in section [10-9-3](#) of this title. (Ord. 06-05-002, 6-21-2005)

#### **10-8B-5: PARKING REQUIREMENTS:**

As provided in chapter 11 of this title. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C. LARGE SCALE DEVELOPMENT PLANS**

### **SECTION:**

#### **[10-8C-1](#): Statement Of Intent**

#### **10-8C-1: STATEMENT OF INTENT:**

A. It is in the best interests of the county that large tracts of property under unified ownership, or located and identified by the comprehensive plan to be in strategic areas, be developed as a cohesive whole in order to bolster economic development, establish community character, provide adequate utility services, ensure adequate storm water management, provide suitable transportation patterns, plan and coordinate necessary institutional services and create opportunities for affordable housing and gainful employment.

B. Large tracts of property under unified ownership may be designated planned unit developments (PUD) after petition by the owner, sufficient investigation by county employees or their consultants, adequate assurance of the development's success, hearings by the board of appeals and approval by the county board as a special use.

C. Other large tracts of property which have been identified on the comprehensive plan as strategic in nature and designated as detailed planning areas (DPA) will not be permitted to develop in a haphazard manner and will require detailed planning and economic development analysis prior to development, subdivision or rezoning.

D. Performance standards: Sections [10-15-1](#), "Exterior Lighting"; [10-15-2](#), "Vibration"; [10-15-3](#), "Noise"; [10-15-4](#), "Air Pollution"; [10-15-5](#), "Odor"; [10-15-6](#), "Electromagnetic Radiation"; [10-15-7](#), "Glare And Heat"; [10-15-8](#), "Fire And Explosion"; [10-15-9](#), "Toxic Or Noxious Material"; [10-15-10](#), "Waste Materials"; [10-15-11](#), "Exterior Construction Material"; [10-15-12](#), "Hazardous Materials"; [10-15-14](#), "Signal Receiving Antennas (Satellite Dishes)"; [10-15-15](#), "Wind Energy Systems"; [10-15-16](#), "Swimming Pools"; [10-15-17](#), "Manufactured Housing"; [10-15-18](#), "Communication Towers"; [10-15-19](#), "Recycling" of this title shall apply.

E. The use of coordinated signage, landscaping and fencing throughout the tract shall be encouraged and the board of appeals and/or the zoning administrator shall have the power to waive requirements otherwise included in this title to achieve such uniformity. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C1. PUD; PLANNED UNIT DEVELOPMENTS**

### **SECTION:**

#### **10-8C1-1: Submission Of Plan; Conditions Required**

#### **10-8C1-2: Adequate Assurances; Use Of Consultants**

#### **10-8C1-3: Restrictions**

##### **10-8C1-1: SUBMISSION OF PLAN; CONDITIONS REQUIRED:**

The owners of any contiguous tract of land, not less than ten (10) acres in size, under unified ownership, may petition the county board to have said property designated a PUD. The approval process shall require the same procedures as any other special use. Prior to having the matter submitted to the board of appeals the petitioner shall submit a development plan and additional engineering reports as shall be required by the zoning administrator. At a minimum, said reports shall include a traffic study, a natural resource and LESA report from the soil and water conservation district, a preliminary utility report governing sanitary sewer, potable water and storm water management along with a preliminary opinion as to such matters from the health department and the county engineer. Preliminary impact reports shall also be requested from any township road commissioner, fire protection district, library district, school district, FPA and any municipality located within one and one-half (1<sup>1</sup>/<sub>2</sub>) miles of any boundary of or serving the proposed area. If the property is located in whole or in part in a township with a plan commission, hearings on the matter shall also be conducted in said township. Impact on any concentrated livestock production district or livestock management facility in the immediate environs shall be considered. The PUD may include residential, commercial, institutional, industrial and related accessory uses as set forth under PUD in the table in section [10-9-1](#) of this title, to the extent that said uses are complementary to the purposes of the PUD and are compatible with the comprehensive plan. After hearings, the board of appeals shall submit findings and may suggest conditions to coordinate and enhance the quality of community life in the development to the county board. (Ord. 06-05-002, 6-21-2005)

##### **10-8C1-2: ADEQUATE ASSURANCES; USE OF CONSULTANTS:**

The petitioner will also produce a preliminary development staging plan along with satisfactory assurances of its ability to complete the project and any required public improvements. The county may require bonds, cash deposits or other security to ensure that public improvements are constructed in a timely and proper manner. The county may retain planning or engineering consultants at the cost of the petitioner to advise the board of appeals or the planning commission regarding the content of any of the reports required above or any other matters relating to the approval of the PUD. (Ord. 06-05-002, 6-21-2005)

##### **10-8C1-3: RESTRICTIONS:**



Upon approval of the PUD the county board may relax use and bulk regulations consistent with the purpose of the plan and recommendations of any planning or engineering consultants, except:

A. If the PUD is primarily a residential PUD, commercial (C-1 only) and institutional uses, including churches and schools, shall not occupy more than fifteen percent (15%) of the gross land area of the development. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE C2. DPA; DETAILED PLANNING AREAS**

### **SECTION:**

#### **10-8C2-1: Evolution Of Plan; Conditions Required**

#### **10-8C2-2: Adequate Assurances; Use Of Consultants**

##### **10-8C2-1: EVOLUTION OF PLAN; CONDITIONS REQUIRED:**

The owners of any contiguous tract of land, located in an area designated DPA on the comprehensive plan, acting either independently or in concert; the county board; the planning commission; the county industrial development association; or the county tourism council may initiate detailed planning in a DPA, by petitioning the county board to refer the matter of the development of all or a part of a DPA to the planning commission to coordinate, along with the zoning administrator, and the landowners involved, a detailed land use and implementation plan, and providing a comprehensive analysis of the economic benefits of said development on the county as a whole. If the initiation of detailed planning is by the landowners, after analysis by the planning commission, the project shall proceed as if the project were a PUD, and hearings shall be held before the board of appeals. If the process is initiated by the county board or by petition of the planning commission; county industrial development association; or county tourism council the matter shall proceed before the planning commission to be charged with overseeing detailed planning, economic analysis, development staging, public service availability, storm water management, traffic implementation, impact on affected township road districts, school districts, fire protection districts, library districts, FPAs, municipalities within one and one-half (1½) miles, township planning commissions, concentrated livestock production districts or livestock management facilities in the immediate environs of the project. The planning commission shall develop findings and make recommendations to the county board. If such recommendations and findings are adopted a DPA for the area shall be developed and defined as a subarea of the comprehensive plan. Future development shall occur only if in compliance with the subarea plan. (Ord. 06-05-002, 6-21-2005)

##### **10-8C2-2: ADEQUATE ASSURANCES; USE OF CONSULTANTS:**

If the initiation of detailed planning is petitioned by the landowners, development is ready to occur, and the board of appeals has recommended approval of a DPA, the county board may demand the same assurances, bonds, cash deposits or other security to ensure that public improvements are constructed in a timely and proper manner as in the case of approval of a PUD. The county may retain planning or engineering consultants at its cost to advise the planning commission or the board of appeals regarding the impact

on the public and the economic benefit to the county of any development in a DPA. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE D. ACTIVE OR SPECIAL RECREATION DISTRICT**

### **SECTION:**

#### **10-8D-1: Evolution Of Plan; Interagency Cooperation**

#### **10-8D-2: Designation And Implementation Of Plan**

#### **10-8D-3: Restrictions**

#### **10-8D-1: EVOLUTION OF PLAN; INTERAGENCY COOPERATION:**

The comprehensive plan has identified public or private, existing or potential, areas within the county as having particular, recreational or tourism possibilities, or having special historical or archeological significance or as natural areas desirable to tie into regional recreational, historical or natural pathway goals. These areas are identified as active or special recreation (AR) areas on the comprehensive plan. Among these areas are existing golf courses and campgrounds, picnic areas, the Rock River trail, the Lincoln Highway, historic Route 2, numerous abandoned railroad rights of way and sites of historical, geological and archeological significance. It is the policy of the county to encourage the development of these areas and adjacent areas for recreational use and the promotion of tourism in the county by further identifying them and by encouraging their utilization for recreational use at the appropriate time by providing incentives and facilitations to owners of said parcels to develop them for such uses or to provide easements for such uses. The county is unable by itself to dedicate the resources necessary to accomplish these goals and when necessary will enter into intergovernmental agreements and public or private partnerships with local or regional organizations to accomplish them. These areas will be designated on the zoning maps from time to time, and subjected to special requirements in the event of their impending development. (Ord. 06-05-002, 6-21-2005)

#### **10-8D-2: DESIGNATION AND IMPLEMENTATION OF PLAN:**

The planning commission at the request of the county board shall hold hearings from time to time to determine the appropriateness of designating areas as active or special recreation (AR) areas. The planning commission shall consider such questions as the public good, including benefits to tourism, additional recreational potential, accessibility to and accommodations for the public, including the disabled, costs of development, projected revenues to the county, regional benefits, impact on property in the area, any necessary intergovernmental or private agreements and any desirable zoning changes to adjacent properties. The planning commission will file written findings with the county board within sixty (60) days after the completion of the hearings. The county board may accept, modify or disregard any such findings. In the event the county board elects to proceed to designate such areas as active or special recreation (AR) areas it shall refer to the board of appeals any matters requiring hearings by the board of appeals under this title. The board of appeals shall hold hearings in the same manner and with the same powers as it would in any special use zoning proceeding. The board of appeals and/or the zoning administrator are encouraged to permit variations, waivers or other



modifications necessary to promote the public good in an active or special recreation designated area. Upon approval of the designation by the county board the same shall be reflected on the county zoning maps. (Ord. 06-05-002, 6-21-2005)

#### **10-8D-3: RESTRICTIONS:**

A. Variations: The board of appeals shall not permit variations or waivers of any of the requirements of the water and steep slopes district except where in compliance with title 11 of this code, where applicable, nor allow food to be served except in accordance with regulations applying to food service establishments.

B. Public Picnic Areas: Minimum area is ten thousand (10,000) square feet, with no more than one sign, with the face areas not to exceed twenty (20) square feet in total and erected no closer than twenty feet (20') in from the right of way line. A gravel, crushed stone or other improved access road at least twenty feet (20') in width shall be provided and maintained. Parking for at least two (2) cars per picnic site shall be provided. A picnic site shall be construed as consisting of two (2) or less permanent picnic tables along with a grill. Grills shall not be constructed or placed less than one hundred feet (100') from one another. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE E. WATER AND STEEP SLOPES DISTRICT**

### **SECTION:**

#### **10-8E-1: Application Of Designation**

#### **10-8E-2: Abrogation And Greater Restrictions**

#### **10-8E-1: APPLICATION OF DESIGNATION:**

The water and steep slopes district includes all of the lakes, rivers, perennial streams, watercourses defined as floodplain (SFHA) on the comprehensive plan or on the county zoning maps from time to time. (Ord. 06-05-002, 6-21-2005)

#### **10-8E-2: ABROGATION AND GREATER RESTRICTIONS:**

All development, subdivisions, resubdivisions, rezonings, building additions, mobile home parks or manufactured housing parks, and additions thereto, planned unit developments (PUDs), detailed planning areas (DPAs), campgrounds, golf courses, building permits, special use permits and variation requests, filed or developed after the effective date of this title shall be subject to the provisions of title 11, "Subdivision, Flood Control And Storm Water Management", of this code unless exempted thereunder. (Ord. 06-05-002, 6-21-2005)

## **ARTICLE F. TECHNOLOGY OVERLAY DISTRICT (TOD)**

### **SECTION:**

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

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

#### **10-8F-3: Statement of Intent**

#### **10-8F-4: Use Regulations**

10-8F-5:

10-8F-6:

**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.

“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 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 furthers the county's efforts to attract and advance high-tech industrial development while limiting the impacts on the community.

D. 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 on the use of the property. The regulations and requirements of the underlying zoning district and the TOD shall both apply, provided however, that when the regulations applicable to the TOD conflict with the regulations of an underlying zoning district, the TOD shall supersede and apply. If the TOD is silent on a development condition or matter, and the underlying zoning district is not silent on said condition or matter, then the TOD shall govern.

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.

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.

- 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.
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.
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 Zoning Administrator 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 Zoning Administrator 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.

14. Decommissioning.

a. A decommissioning plan shall be required for the following developments within the TOD:

- i. Data centers.
- ii. Telecommunications facilities (towers, hubs, small cells).
- iii. Renewable energy facilities with tech components (e.g., battery storage).
- iv. High-tech manufacturing/research and development (R&D) facilities with hazardous materials or large-scale infrastructure.

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.

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.

17. To obtain siting approval, the Applicant must first submit a Petition for Technology Overlay District (TOD) and TOD application to the County.

18. 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.
19. The Applicant shall meet with the zoning administrator to explain the development proposed, discuss procedures and obtain the petition form.
20. The Applicant shall file the Petition for TOD, application and filing fee with the zoning administrator.
21. The zoning administrator 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.
22. 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.
23. 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.
24. 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.