

ORDINANCE NO. 23 - _____

AN ORDINANCE AMENDING CHAPTER 1 (ZONING TITLE, PURPOSE, DEFINITIONS) AND ARTICLE B (ORI OFFICE, RESEARCH AND LIGHT INDUSTRY DISTRICT) OF CHAPTER 8 (INDUSTRIAL DISTRICTS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

- A. WHEREAS**, the City's ORI Zoning District has been developed as a mix of office, research, and laboratory uses with limited manufacturing and warehouse uses, especially along the I-88 corridor; and
- B. WHEREAS**, on May 2, 2023, City Council directed staff to review the City's Zoning Code (Title 6 of the Naperville Municipal Code) and prepare an ordinance that provides the City with greater ability to control warehouse, storage, and distribution facilities in the ORI Zoning District to reduce the negative impacts on nearby office and residential neighbors resulting from all day and late night semi-truck traffic, noise, light pollution, and poor visual aesthetics associated with warehouse, storage and distribution facilities (referenced hereinafter as the "**ORI Amendments**"); and
- C. WHEREAS**, through the ORI Amendments the intent of the ORI Zoning District has been refined to provide for a mix of uses directed toward research and development activities, engineering and testing activities, and office uses while accommodating accessory warehouse and storage facilities and manufacturing uses to complement the existing character of the City's I-88 corridor; and
- D. WHEREAS**, the ORI Amendments are intended to: (1) eliminate or limit uses which are not in alignment with the refined intent of the ORI Zoning District; and (2) eliminate uses which can be accommodated in whole or in part in other permitted or conditional use categories, or which can be accommodated through the PUD use deviation provisions provided for in Section 6-4-3:12 of the Naperville Municipal Code; and
- E. WHEREAS**, capitalized terms used herein are defined in Title 6 of the existing Naperville Municipal Code or in the ORI Amendments; and
- F. WHEREAS**, several uses reviewed as part of the ORI Amendments, including, but not limited to: Warehouse and Storage Facilities, Fulfillment Centers, Cross Docks, Data Centers, and manufacturing, often generate a significant increase in truck traffic, large off-street loading areas and truck docks, noise levels, exterior lighting, and are designed in manner that is distinctly different from existing professional office buildings and residential areas; and

- G. WHEREAS**, the City recognizes that several permitted uses in the ORI Zoning District require accessory warehouse, storage, and/or manufacturing space as a part of their business; therefore Warehouse and Storage Facilities and/or manufacturing uses have been added as permitted uses in ORI when such uses: (i) are an Accessory Use to another permitted use in ORI; and (ii) where the cumulative total square footage of such uses comprises up to 50% of the gross square footage of a building. Accessory Warehouse and Storage Facilities and manufacturing uses will be subject to the Required Conditions set forth in Section 6-8B-4:2 through 6 of the Naperville Municipal Code as amended by the ORI Amendments; and
- H. WHEREAS**, uses determined to not be in alignment with the refined intent of the ORI Zoning District are no longer included as a permitted or conditional use, including but not limited to: Warehouse and Storage Facility and/or manufacturing uses in excess of 50% of a building's gross floor area and which are not Accessory Uses; Fulfillment Centers; Cross Docks; Data Centers; Low Nuisance Industrial Activities; Sales and storage of building materials and products; and, Food manufacture, packaging, and processing. These uses are permitted uses in the City's I Zoning District; and
- I. WHEREAS**, Life Sciences Facilities have been added to the list of permitted uses in the ORI Zoning District and are defined as facilities providing office, research, and laboratory space related to the fields of pharmaceuticals, biotechnology, biomedical technologies, nutraceuticals, cosmeceuticals, and other related fields; and
- J. WHEREAS**, Data Centers are identified as a conditional use in the ORI Zoning District which will subject them to review by the Planning and Zoning Commission and City Council to determine if the use is appropriate for the proposed location based on the specifics of a zoning application; and
- K. WHEREAS**, the ORI Amendments provide for site specific review of conditional uses in the ORI Zoning District for the following components: property location; anticipated truck and customer traffic and parking generation; current and proposed roadway capacities; site access; visibility of the property from major thoroughfares; proposed building design; and other criteria determined to be necessary; and
- L. WHEREAS**, the ORI Amendments provide for consideration of possible conditions to mitigate potential adverse impacts of proposed conditional uses, including but not limited to: additional landscaping; improved building elevations and/or materials; access restrictions or additional access; directional signage; increased setbacks; improved lighting; and/or change in building orientation; and

- M. WHEREAS**, the ORI Amendments provide that there shall be no more than one Off Street Loading Dock per 40,000 square feet of building gross floor area per building in the ORI Zoning District; and
- N. WHEREAS**, land uses legally in existence in the ORI Zoning District prior to enactment of the ORI Amendments will be allowed to continue subject to compliance with the nonconforming use provisions set forth in Chapter 10 (Nonconforming Uses) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code, as amended from time to time; and
- O. WHEREAS**, at its June 7, 2023 meeting, the Planning and Zoning Commission conducted a public hearing to consider the proposed ORI Amendments to amend Chapter 1 (Zoning Title, Purpose, Definitions) and Article B (ORI Office, Research and Light Industry District) of Chapter 8 (Industrial Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code and voted to recommend approval (approved 8-0); and
- P. WHEREAS**, the City is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, the City is not limited from exercising its power to amend its Zoning Code, as it is a function pertaining to its government and affairs; and
- Q. WHEREAS**, the Naperville City Council has determined that it is appropriate to amend Chapter 1 (Zoning Title, Purpose, Definitions) and Article B (ORI Office, Research and Light Industry District) of Chapter 8 (Industrial Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

SECTION 2: Chapter 1 (Zoning Title, Purpose, Definitions) and Article B (ORI Office, Research and Light Industry District) of Chapter 8 (Industrial Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code are hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

6-1-6: DEFINITIONS:

In the construction of this Title the definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following definitions of word use shall apply:

1. - 8. * * *

ACCESSORY BUILDING OR STRUCTURE: - CONVALESCENT HOME:	* * *
<u>CROSS DOCKS:</u>	<u>The practice of unloading goods from inbound delivery vehicles and loading them directly onto outbound vehicles.</u>
CULTURAL INSTITUTIONS: - DAYCARE HOME:	* * *
<u>DATA CENTER:</u>	<u>A large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.</u>
DECIBEL: - FRONTAGE:	* * *
<u>FULLFILLMENT CENTER:</u>	<u>A facility that receives shipments of stock, stores and tracks warehouse inventory, and picks and packs orders to ship to customers. Facilities may provide such services for multiple companies and may also be referred to as a third-party logistics facility, fulfillment company, or fulfillment warehouse.</u>
GAME COURT: - LEARNING CENTER:	* * *
<u>LIFE SCIENCES FACILITY:</u>	<u>A facility providing offices, research, and laboratory space related to the fields of pharmaceuticals, biotechnology, biomedical technologies, nutraceuticals, cosmeceuticals, and other related fields.</u>
LODGE: - OFF STREET PARKING SPACE OR LOADING BERTH:	* * *
<u>OFF STREET LOADING DOCK:</u>	<u>An area of a building where goods are loaded and unloaded from a vehicle (road or rail); may also be referred to as an off street loading bay.</u>
OFFICE/CLINIC, MEDICAL OR DENTAL: - VIOLATION:	* * *
WAREHOUSE AND STORAGE FACILITY:	A building or structure <u>used</u> intended for the storage and distribution of goods and materials.

WAREHOUSE, SELF-STORAGE:	* *
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ARTICLE B. ORI OFFICE, RESEARCH AND LIGHT INDUSTRY DISTRICT

SECTION:

6-8B-1: INTENT:

The ORI office, ~~research and light industry~~ district is intended to provide an environment suitable for and limited to research and development activities, engineering and testing activities, and office uses, ~~warehousing, and limited manufacturing~~ that will not have an adverse effect upon the environmental quality of the community.

(Ord. 80-5, 1-21-1980)

6-8B-2: PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Banks and financial institutions.
2. Civic buildings.
3. Engineering and testing laboratories and offices.
4. Life Sciences Facilities. ~~Laboratories, offices, and other facilities for research and development, including basic, applied, development and technical services conducted by or for any individual, organization, or concern, whether public or private.~~
- ~~5. Low nuisance industrial activities, including, but not limited to, electronic and scientific precision instruments manufacture, cloth products manufacture, light machinery production and assembly, printing and publishing.~~
5. ~~6.~~ Offices—Business or professional.
6. ~~7.~~ Offices/clinics—Medical or dental.
7. ~~8.~~ Pilot plants in which processes planned for use in production elsewhere can be tested to the extent reasonably necessary for full investigation of the merits of a product or process, including commercial viability.
- ~~9. Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability.~~
8. ~~10.~~ Warehouses and storage facilities, but excluding motor freight terminals, established prior to February 16, 2022 may continue to operate subject to compliance with Chapter 10 (Nonconforming Uses) of this Title.
9. ~~11.~~ Warehouse, self-storage established prior to February 16, 2022, may continue to operate subject to compliance with Chapter 10 (Nonconforming Uses) of this Title.
10. ~~12.~~ Fitness facility.

11. ~~13.~~ Cannabis dispensing organization per Section 6-2-32 of this Title.

12. ~~14.~~ Sleep clinics.

13. Warehouse and Storage Facilities and/or manufacturing uses when such uses (i) are an Accessory Use to another permitted use listed above; and (ii) where the cumulative total square footage of such uses comprises less than 50% of the gross square footage of a building. Such Warehouse and Storage Facilities and/or manufacturing uses shall be subject to the Required Conditions set forth in Section 6-8B-4:2 through 6.

6-8B-3: CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

1. Data centers. ~~Airports and heliports.~~

2. ~~Floor area ratio premiums as specified in Subsection 6-8B-8.2 of this Article.~~

3. ~~Food manufacture, packaging and processing.~~

2. ~~4.~~ General retail and services located within one of the permitted uses, including, but not limited to, day care facilities, ~~drugstores, barbershops, beauty shops/salons, dry cleaning establishments, eating and drinking establishments, laundries, shoe repair, and tailor shops.~~

5. ~~Health spas without accommodation/massage establishments.~~

6. ~~Height limit increase as specified in Subsection 6-8B-8.1 of this Article.~~

3. ~~7.~~ Planned unit development. ~~The primary use within a planned unit development shall be one or more of the principal permitted uses, and may include any of the following uses:~~

~~7.1. Cultural and recreational facilities, churches, auditoriums and public gathering places, established prior to August 7, 2007. Cultural and recreational facilities, churches, auditoriums and public gathering places established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.~~

~~7.2. Eating and drinking establishments.~~

~~7.3. Primary and secondary schools that do not have boarding facilities.~~

~~7.4. Internet cafes.~~

4. ~~8.~~ Public and private utility facilities.

9. ~~Sales and storage of building materials and products.~~

5. ~~10.~~ Hotels and motels having received approval as a conditional use prior to May 16, 2000; after that date, no new hotels or motels will be allowed as conditional uses in the ORI district.

6. ~~11.~~ Colleges/universities. Colleges and universities established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.

7. ~~12.~~ Full service hotels.

~~8-13.~~ Vocational and trade schools, established prior to August 7, 2007. Vocational and trade schools established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.

~~14.~~ Nursery schools, preschools, daycare centers and learning centers within a planned unit development or accessory to a permitted use.

~~9.~~ 45. Public assembly uses per Section 6-2-29 of this Title.

~~10.~~ 46. Medical cannabis cultivation center per Section 6-2-29 of this Title.

~~17.~~ Warehouse and Storage facilities established after February 16, 2022.

~~18.~~ Warehouse, self-storage established after February 16, 2022.

6-8B-4: REQUIRED CONDITIONS:

The following conditions to Permitted Uses set forth in Section 6-8B-2 and Conditional Uses set forth in Section 6-8B-3, as applicable, shall be required and are not subject to a variance under Section 6-3-6 of this Title:

1. Conditional Uses in the ORI zoning district shall be processed in accordance with Section 6-3-8 (Conditional Uses) of this Title and this Section 6-8B-4 as applicable.

1.1. In determining compliance with Section 6-3-8 of this Title (Conditional Uses), the following components of the proposed conditional use shall be evaluated based on the entirety of the circumstances affecting the property upon which the conditional use is being requested:

1.1.1. Property location;

1.1.2. Anticipated truck and customer traffic and parking generation;

1.1.3. Current and proposed roadway capacities;

1.1.4. Site access;

1.1.5. Visibility of the property from major thoroughfares; and

1.1.6. Proposed building design;

1.1.7. Other criteria determined to be necessary to assess compliance with Section 6-3-8 of this Title.

1.2. The conditional use shall comply with all applicable Code requirements, including but not limited to landscaping and screening, building design guidelines, and performance standards as set forth in Sections 5-10-3, 1-11-1, and 6-14-4 of the Naperville Municipal Code respectively, as amended from time. Conditions which may mitigate potential adverse impacts of the proposed conditional use may include, but are not limited to: additional landscaping; improved building elevations and/or materials; access restrictions or additional access; directional signage; increased setbacks; improved lighting; and/or change in building orientation.

~~2.~~ 4. Warehouse and Storage Facility functions shall be conducted within enclosed buildings and structures. Cross Docks, Fulfillment Centers, Freight Terminals and facilities used for similar purposes regardless of their name, are specifically prohibited. A permitted use shall be permitted to allocate up to 50% of the gross floor area of a building for a Warehouse and Storage Facility and/or manufacturing use which is an Accessory Use to said permitted use. Any Warehouse and Storage Facility and/or manufacturing uses in excess of 50% of

a building's gross floor area shall be prohibited. Any Warehouse and Storage Facility and/or manufacturing uses which are not Accessory Uses are also prohibited.

- ~~3.~~ 2- All business, servicing, or processing, except for off street parking and off street loading, shall be conducted within completely enclosed buildings.
- ~~4.~~ 3- All Outside storage areas of goods, materials and products shall be prohibited. ~~screened in accordance with Subsection 5-10-3.7 of this Code.~~ Lighting of the facility shall be directed away from surrounding properties and shall comply with all applicable performance standards set forth in Section 6-14-4 of the Naperville Municipal Code, as amended from time to time.
- ~~5.~~ 4- Parking and loading requirements shall be set forth in Chapter 9 of this Title, except that there shall be no more than one (1) Off Street Loading Dock permitted per 40,000 square feet of building gross floor area per building. All parking and loading areas shall be landscaped and maintained in accord with Section 5-10-3 of the Naperville Municipal Code, as amended from time to time. Buildings constructed in the ORI zoning district prior to _____, 2023 which have Off Street Loading in excess of one (1) Off Street Loading Dock permitted per 40,000 square feet of building gross floor area per building shall be permitted to continue to exist subject to compliance with Chapter 10 (Nonconforming Uses) of this Title.
- ~~6.~~ 5- Processes and equipment employed in the ORI district shall comply with the provisions of Chapter 14 of this Title.
- ~~7.~~ 6- ~~The business uses in the ORI district shall be located within a building or structure containing a permitted. Such business uses shall be primarily for the service and convenience of the tenants and employees of the ORI district in which located.~~
7. Full service hotels shall include at least one hundred fifty thousand (150,000) square feet of hotel, commercial, or service floor area, banquet and/or meeting space, either within a single building or multiple buildings located in a campus setting (defined as a single lot or planned unit development), and shall include all of the following components:
 1. Banquet and/or meeting space for at least five hundred (500) persons; and
 2. A swimming pool and/or exercise facilities; and
 3. A restaurant within the physical confines of the hotel and provide room service that is accessory to the restaurant use.
8. Fitness facilities shall comply with the performance standards found in Chapter 14 of this Title. If appropriate lighting is not currently provided on-site, said facilities shall provide exterior lighting for customer parking and pedestrian areas in compliance with this Chapter, subject to review and approval by the City.

6-8B-5: AREA REQUIREMENTS: - 6-8B-7: YARD REQUIREMENTS: * * *

6-8B-8: HEIGHT LIMITATIONS/BULK REGULATIONS:

The maximum height and floor area ratio for all buildings and structures in the ORI district shall be as follows:

1. The maximum height for all buildings and structures in the ORI district shall be one hundred (100) feet, ~~however, this limit may be increased to one hundred fifty (150) feet by a conditional use issued by the City Council and after public hearing before the Plan Commission in accordance with the provisions of Section 6-3-8 of this Title.~~ Any such

~~increased height shall be reasonably required for the particular research or development use to which the property in question is to be put.~~

2. ~~The basic floor area ratio in the ORI district shall be 0.70. However, for those buildings and structures that provide special design improvements, a floor area ratio premium may be granted as a conditional use by the City Council and after public hearing before the Plan Commission in accordance with the provisions of Chapter 4 of this Title. This premium may be added to the basic floor area ratio in accordance with the following:~~
 - 2.1. ~~If seventy five percent (75%) or more of the required parking is provided underground or within the building, then a floor area ratio premium of 0.20 shall be allowed.~~
 - 2.2. ~~As the lot size increases, a floor area ratio premium of 0.02 will be granted for each additional acre in lot size above two (2) acres to a maximum of ten (10) acres.~~

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the DuPage County Recorder.

SECTION 5: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this ____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk