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2005.019 - Rz/Su

PD05.063

ORIGINAL



CITY OF AURORA
CITY COUNCIL

ORDINANCE NUMBER 005-43

DATE OF PASSAGE March 22, 2005

PETITIONER: RYLAND HOMES

AN ORDINANCE AMENDING ORDINANCE NUMBER 3100, BEING THE AURORA ZONING ORDINANCE AND THE ZONING MAP ATTACHED THERETO, BY REZONING PROPERTY FROM ORI(S) OFFICE, RESEARCH, AND LIGHT INDUSTRIAL TO R-4A(S) AND B-1(S) SPECIAL USE PLANNED DEVELOPMENT, AND APPROVING A PLAN DESCRIPTION FOR 46.98 ACRES LOCATED SOUTH OF LIBERTY STREET, WEST OF ROUTE 59

WHEREAS, the City of Aurora has a population of more than 25,000 persons in it and is, therefore, a home rule unit as defined in Article VII, section 6(a) of the 1970 Constitution of the State of Illinois; and

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

WHEREAS, RYLAND HOMES is the owner of record or authorized agent of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A;" and

WHEREAS, by petition dated January 28, 2005, the above-named petitioned the City of Aurora to amend Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto, to rezone the real estate described on said Exhibit "A" from ORI(S) Office, Research, and Light Industrial to R-4A(S) Two Family Dwelling and B-1(S) Local Retail; and

WHEREAS, a Plan Description in the form of Exhibit "B", attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities of the City of Aurora for review with the Annexation Agreement for the property described in Exhibit "A"; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement in order to make the same effective have been held or taken pursuant to notice as required by law and in accordance with all requirements of law; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on 3/2/2005, made their requisite findings of fact as prescribed by Section 7.1(15) and Section 14.6 of said Ordinance Number 3100, and recommended approval of said petition to the Aurora City Council subject to certain conditions; and

WHEREAS, Exhibits "A" and "B", attached hereto and included herein by reference as if fully set forth, in its present form, have been on file with the City Clerk of the City of Aurora for public inspection for a at least one week; and

WHEREAS, the City Council, based upon the recommendation of the Planning Commission, and after due investigation and consideration, concurs with the approval of the rezoning petition and has determined that the classification and establishment of a Special Use Planned Development and the approval of the Plan Description for the property legally described in Exhibit "A" will promote the sound planning and development of the City, and therefore serve the best interest of the City of Aurora; and

WHEREAS, the City Council, finds that the proposed special use is not contrary to the purpose and intent of said Ordinance Number 3100, being the Aurora Zoning Ordinance.

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

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

Section Two: In accordance with the Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto, Section 15.4-5, Section 7.1(15) and Section 14.6, a special use permit is hereby granted for a Planned Development with an underlying zoning of R-4A and B-1, and permitted for the real estate legally described in Exhibit "A", with the following conditions:

1. That throughout the development process the Petitioner work with the City to live up to the spirit of the proposed evaluation criteria outlined in the Comprehensive Plan Revision for this area including but not limited to: marketing to commuters, the exclusion of elements that would encourage families with school aged children, the establishment of an active SSA to provide for common maintenance within the Mixed Use development areas and the inclusion of some Live-work units within the Mixed Use development areas.
2. That prior to November 15, 2005, or Final Plan and Plat approval for any portion of the Subject Property, whichever is sooner, the Developer agrees to enter into a Roadway Agreement with the adjacent property owner to the south for the construction of the main north-south roadway (Station Boulevard) to extend from East New York Street to Meridian Lake Drive. Station Boulevard runs through the Subject Property, through the property immediately to the south, and north up to Meridian Lake Drive. The Roadway Agreement shall contain a provision requiring the parties to participate with the City in the cost of off-site right-of-way acquisition for Station Boulevard between Liberty Street and Meridian Lake Drive, based on the City's purchase price of said right-of-way, but in no event shall the cost exceed \$1,800,000.00. Said cost shall be divided between the parties. This provision is subject to the City notifying Developer that it has obtained the necessary right-of-way for the construction of Station Boulevard north of Liberty Street.
3. That the Petitioner submit Building Elevations, floor plans, signage and fencing be for review and approval by the Planning Division. The buildings will be reviewed at the time of Final Plan and Plat and throughout the building permit process to ensure the

architectural elements are in keeping with the urban nature of the development and include elements, which would discourage families with school-aged children.

4. That the classification to the Main Street cross section be modified per the Engineering Departments request, and that 10 foot easements be dedicated on either side of the internal right of way dedications.
5. That an additional .25 parking requirement for the Mixed Use developments be implemented as a land bank on the site plan.

Section Three: That the Plan Description in the form of Exhibit "B" attached hereto and included herein by reference as if fully set forth, and incorporated in and made a part of this Ordinance, is hereby approved and the Mayor of the City of Aurora is hereby authorized and directed to execute such Plan Description on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor's signature and affix the corporate seal of the City thereto.

Section Four: That all modifications and exceptions under the Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set for the in the Plan Description, are hereby granted and approved.

Section Five: That such number of duplicate originals of said Plan Description may be executed as the Mayor shall determine.

Section Six: That this Ordinance shall take effect and be in full force and effect upon and after its passage, approval and publication in pamphlet form as required by law.

Section Seven: That all ordinances or part ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

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

PASSED AND APPROVED to the City Council of the City of Aurora, Illinois on this 22 day of March 2005.

AYES 10 NAYS 0 NOT VOTING 0

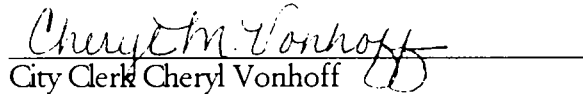
SIGNED by the Mayor of the City of Aurora, Illinois, on this 22 day of March 2005.



David L. Stover
City of Aurora

Mayor
Illinois

Attest:



City Clerk Cheryl Vonhoff

Case File Number: NA21/2-05.019-Rz/Su
Parcel Number: 07-21-200-039

This instrument prepared by:
Aurora Planning Division
1 South Broadway
Aurora, Illinois 60505

Exhibit "A"

LEGAL DESCRIPTION

For The Property Located At south of Liberty Street, west of Route 59

SITUATE IN SECTIONS 16 AND 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF DUPAGE, STATE OF ILLINOIS, AND BEING PART OF LOT 1 OF MEIJER SUBDIVISION AS RECORDED IN DOCUMENT NUMBER R2000-014525 (ALL REFERENCES TO DEEDS, MICROFICHE, PLATS, SURVEYS, ETC. REFER TO THE RECORDS OF THE DUPAGE COUNTY RECORDERS OFFICE, UNLESS NOTED OTHERWISE) AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE NORTHEAST CORNER OF SAID LOT 1, SAID CORNER BEING ON THE SOUTH RIGHT OF WAY LINE OF LIBERTY STREET AS ESTABLISHED BY SAID MEIJER SUBDIVISION;

THENCE ALONG THE EAST LINE OF SAID LOT 1, SOUTH 0 DEGREES 20 MINUTES 59 SECONDS WEST (S00 20'59"W) FOR ONE THOUSAND SIXTY-THREE AND 76/100 FEET (1063.76') TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE CONTINUING ALONG THE LINES OF SAID LOT 1 FOR THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 0 DEGREES 20 MINUTES 59 SECONDS WEST (S00 20' 59"W) FOR FOUR HUNDRED SEVENTY-FOUR AND 12/100 FEET (474.12');
2. SOUTH 86 DEGREES 4 MINUTES 12 SECONDS WEST (S86 04'12"W) FOR ONE THOUSAND SIX HUNDRED TWENTY FIVE AND 27/100 FEET (1625.27');
3. NORTH 0 DEGREES 9 MINUTES 2 SECONDS WEST (N00 9'02"W) FOR ONE THOUSAND FOUR HUNDRED TWENTY-NINE AND 57/100 FEET (1429.57');
4. NORTH 82 DEGREES 20 MINUTES 45 SECONDS EAST (N00 20'45"E) FOR ONE THOUSAND TWO HUNDRED NINETY-ONE AND 21/100 FEET (1291.21') TO A POINT, SAID POINT BEING SOUTH 82 DEGREES 20 MINUTES 45 SECONDS WEST (S82 20'45"W) A DISTANCE OF THREE HUNDRED FIFTY-EIGHT AND 08/100 FEET (358.08') FROM THE NORTHEAST CORNER OF LOT 1;

THENCE ON A NEW DIVISION LINE OVER SAID LOT 1 FOR THE FOLLOWING TWO COURSES:

1. SOUTH 0 DEGREES 20 MINUTES 59 SECONDS WEST (S00 20'59"W) FOR ONE THOUSAND THIRTEEN AND 90/100 FEET (1013.90');
2. SOUTH 89 DEGREES 39 MINUTES 01 SECOND EAST (S89 39'01"E) FOR THREE HUNDRED FIFTY FOUR AND 59/100 FEET (354.59') TO THE TRUE POINT OF BEGINNING, CONTAINING FORTY-SIX AND 985/1000 (49.985) ACRES, OR 2,046,683 SQUARE FEET, MORE OR LESS.

Exhibit "B"

PLAN DESCRIPTION

For The Property Located At The south of Liberty Street, west of Route 59

PLAN DESCRIPTION

Ordinance # 005-43

Date March 22, 2005

A Plan Description for the Lehigh Station mixed-use development located west of Route 59 and south of Liberty Street with R-4A and B-1 Special Use Planned Development Zoning Pursuant to Section 14.6-7 of the Aurora Zoning Ordinance

Revision dates:

A Plan Description for the Lehigh Station mixed-use development located west of Route 59 and south of Liberty Street with R-4A and B-1 Special Use Planned Development Zoning Pursuant to Section 14.6-7 of the Aurora Zoning Ordinance

I. QUALIFYING STATEMENTS3

 A. PURPOSE3

 B. INTENT.....3

II. GENERAL CHARACTER.....3

 A. EXISTING CONDITIONS3

 B. EXISTING ZONING CLASSIFICATIONS3

 C. COMPREHENSIVE PLAN4

III. DEVELOPMENT STANDARDS FOR EACH PARCEL

 A. ZONING

 PARCEL "A"4

 PARCELS "B, C, D".....10

 B. PUBLIC IMPROVEMENTS10

VI. REQUESTED MODIFICATIONS AND EXCEPTIONS FROM THE AURORA ZONING ORDINANCE, SUBDIVISION CONTROL ORDINANCE, AND SIGN ORDINANCE10

V. GENERAL PROVISIONS.....12

LIST OF ATTACHMENTS

- ATTACHMENT "A" - LEGAL DESCRIPTION OF DEVELOPMENT PARCELS
- ATTACHMENT "B" - PARCEL MAP
- ATTACHMENT "C" - REQUIRED COMPONENTS OF FINAL SITE PLAN
- ATTACHMENT "D" - LANDSCAPING REQUIREMENTS
- ATTACHMENT "E" - SPECIAL SIGN DISTRICT
- ATTACHMENT "F" - INDEMNIFICATION LETTER
- ATTACHMENT "G" - MAIN STREET CROSS SECTIONS

I. QUALIFYING STATEMENTS

A. PURPOSE

This Special Use/Planned Development has evolved to assist the Aurora Planning Commission and City Council in governing their recommendations and actions on this Development as it relates to the existing zoning and land uses in the area.

Developer shall mean the person(s) or entity who brings the subject property described herein to a more complete, complex, or desirable state.

Owner shall mean the person(s) or entity who is described as the legal owner of record of the subject property described herein.

For the purposes of this document, Developer and Owner shall be one and the same and held equally accountable for all requirements within this Plan Description.

B. INTENT

This Plan Description has been prepared pursuant to the requirements of Section 14.6-7.2 of the Aurora Zoning ordinance. It is the intent of this document to promote and protect the public health, safety, morals, comfort, and general welfare of the area; and to guide the development toward the realization of the appropriate Physical Development Policies of the City of Aurora Comprehensive Plan. These policies include:

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The subject property consists of approximately 46.985 acres lying west of Route 59 and south of Liberty Street. The land is currently vacant. The property lies within the 204 School District boundaries.

2. Surrounding Property

North – Office, Research, and Light Industrial warehouse facilities

South – Mixed Use Development

East – Meijer Retail Center

West – Stormwater Management Facility (Meridian Business Campus)

B. EXISTING ZONING CLASSIFICATIONS

1. Subject Property

ORI(S), Office, Research, and Light Industrial with a Special Use Planned Development

2. Surrounding Property
 - North – M-1
 - South – Unincorporated DuPage County
 - East – BB(S)
 - West – M-1

C. COMPREHENSIVE PLAN

1. Subject Property
 - Medium Density Residential and Mixed Use (Office / Research / Commercial / Residential)
2. Surrounding Property
 - North – ORI and Office/Research/Commercial/Residential
 - South – Medium Density Residential, Commercial, and Office/Research/Commercial/Residential
 - East – Commercial
 - West – Conservation, Open Space, Recreation, Drainage

III. DEVELOPMENT STANDARDS FOR EACH PARCEL

A. ZONING

The Development shall be divided into 4 parcels, Parcel A, B, C and D legally described on Attachment "A". Development of each parcel described on Attachment "A", and generally depicted on Attachment "B", shall be regulated as follows:

1. Parcel A, that parcel lying on both the east and west side of the "Main Street" encompassing all single family attached dwelling units.

1.1. Parcel Size and Use Designation

The subject property referenced within this document as Parcel A and on the Parcel Map shown on Attachment "B", contains +/- 33.17 acres. Upon approval of this document, said property shall be designated as R-4A District with a special use for a planned development on the City of Aurora Zoning Map, and be regulated by Section 11.5-7 of the Aurora Zoning Ordinance as modified herein.

1.2. Statement of Intent

The R-4A District has been chosen as the underlying base zoning for this development to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. Access to the property will be established through the construction of the "Main Street" with a full access point on Liberty Street. The "Main Street"

roadway will also allow ingress and egress to a fully signalized intersection on New York Street accessible when the property to the south develops. A secondary access point will be established to the east allowing cross access with the Meijer Shopping Center and associated commercial outlots. The subject property will be developed with an "Urban" attached product. The attached product is designed as a rear loaded structure (meaning the garage is located on the opposite side as the front door) to enhance the appearance from the public right of way. The close proximity to the Route 59 Metra Station, Westpoint Shopping Center, and numerous commercial users along Route 59 provide amenities to new residents, within walking distance, that is un-paralleled in the City of Aurora. Therefore the "urban" product in conjunction with a mixed-use site design and surrounding amenities is envisioned to create an up-scale, high-end community, with sales prices in the upper echelon of the Aurora housing market.

1.3. Specific Rules and Definitions

The City may approve Final Plans that contain variations up to 10% of the requirement from Sections A-1.5 b, c, and d of this plan description pertaining to Signs, Landscaping & Screening, and Parking & Loading, and Section A-1.9 pertaining to Bulk Restrictions. Variations above 10% shall be requested through the Final Plan process with a public hearing as outlined in Section 15 of the AZO.

1.4. Permitted Uses

This property shall be limited to those uses permitted in the R-4A District, Section 11.5-7 only.

1.5. General Provisions

The development of Parcel A shall be governed by the provisions of the Aurora Zoning Ordinance, Section 11.5-7, R-4A Two-family Dwelling District, unless modified by the following provisions:

a. Plan Approval

Parcel A shall be subject to final plan approval pursuant to Section 14.6-11(b), entitled "Procedures for approval of plans" subsection "Final plans", of the Aurora zoning ordinance and shall contain all information as described on Attachment "C", Required Components Of Final Plans.

b. Signs

All signs shall be pursuant to the "Aurora Sign Ordinance" and the Special Sign District regulations attached hereto as Attachment E to the Plan Description, and incorporated herein.

c. Landscaping and Screening

All Landscaping and screening shall be pursuant to Attachment "D",

Landscaping Requirements. The landscaping for the subject property will be designed in a manner to promote an "urban" feel. This landscape theme will introduce hardscape elements and plaza areas. The style of landscaping is difficult to quantify into the City's standard canopy tree equivalents, therefore the Staff shall work with the Developer to facilitate the overall theme and to translate those efforts into credit against requirements of Attachment "D".

d. Parking and Loading

All parking and loading shall be pursuant to Section 10, "Off-Street Parking and Loading" of the Aurora Zoning Ordinance.

e. Specific Restrictions

Design and construction standards for lakes and blue/green detention areas shall be pursuant to the Kane County Stormwater Ordinance requirements as adopted by the City.

1.6. Nonconforming Zoning Lots, Structures, and Uses

All nonconforming zoning lots, structures, and uses shall be pursuant to Section 6, "Nonconforming Zoning Lots, Structures, and Uses" of the Aurora Zoning Ordinance.

1.7. Special Uses

All special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

1.8. Accessory Buildings and Uses

All Accessory structures and uses shall be pursuant to Section 8, entitled "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

1.9. Bulk Restrictions

a. Maximum Lot Area Coverage by Building and Pavement - 60% of the lot area

b. Required Setback Areas -The minimum required setback areas for this development shall be as follows:

Front yard

Along Main Street – 10 feet

Internal Buildings – 15 feet

Rear yard – 15 feet

Side yard – 15 feet

Exterior Side yard – 15 feet

c. Minimum Separation between "Rear-loaded Garage" Buildings (meaning the garage is located on the opposite side as the front door):

Rear to Rear –	60 feet
Front to Front –	50 feet
Front to Side –	20 feet
Side to Side	
Main Street -	0 feet
Internal Buildings -	15 feet

- d. Maximum Density shall not exceed 7 dwelling units per acre.
- e. Permitted Obstructions in Required Setback Areas
Obstructions in required setback areas shall be pursuant to Section 5.4 “Permitted Obstructions in Required Yard Areas” of the Aurora Zoning Ordinance.
- f. Maximum Height - The maximum height of structures shall be 40 feet.

1.10. Building Elevations

Building Elevations shall be presented for approval with the Final Plat and/or Plan and will be evaluated based on quality and variety of building materials, orientation and presentation from the public street, and the use of architectural elements.

- 2. Parcel B, Parcel C, and Parcel D are those parcels lying adjacent to the “Main Street” encompassing all mixed-use structures (multistory buildings containing commercial, office, and/or residential uses).

2.1. Parcel Size and Use Designation

The subject property referenced within this document as Parcel B, C, and D and on the Parcel Map shown on Attachment “B”, contains +/- 6.45 acres. Upon approval of this document, said property shall be designated as B-1(S) Business District with a special use for a planned development on the City of Aurora Zoning Map, and be regulated by Section 12.2 of the Aurora Zoning Ordinance as modified herein.

2.2. Statement of Intent

The B-1 District has been chosen as the underlying base zoning for this development to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The subject property will be developed as a flexible, mixed-use component. The parcels are designed to have the flexibility of developing within the parameters established with the R-4A District, B-1 District, and/or Office District. Access to the parcels will be onto the “Main Street”, local minor collectors, and also a right in/right out access onto Liberty Street. The mixed-use parcels are envisioned to create an urban presence along the “Main Street” meaning that the structures will be constructed with reduced front setbacks to allow a more direct relationship to the public right of way.

This in conjunction with the neighboring residential units will encourage a pedestrian dominant means of interaction between the residents and the surrounding amenities. The mixed-use parcels shall offer a multistory structure with commercial, office, and/or residential units, these areas also allow the construction of single family attached dwelling units. This flexibility in product placement enables the plan to evolve dependent on the needs of the overall master plan from New York Street to the Route 59 Station.

2.3. Specific Rules and Definitions

The City may approve Final Plans that contain variations up to 10% of the requirement from Sections A-1.5 b, c, and d of this plan description pertaining to Signs, Landscaping & Screening, and Parking & Loading, and Section A-1.9 pertaining to Bulk Restrictions. Variations above 10% shall be requested through the Final Plan process with a public hearing as outlined in Section 15 of the AZO.

2.4. Permitted Uses

This property shall be limited to those uses permitted in the R-4A, B-1, and/or Office District Section 11.5-7, Section 12.2, Section 12.5. The parcels may be developed with any lawful purpose except the following prohibited uses:

- Drug Store of any kind
- Prescription Pharmacy
- Sale of Liquor in package form (including without limitation beer, wine, and ale)
- Grocery Store
- Supermarket
- Supercenter
- Combination food and general merchandise store
- Any retail facility exceeding 10,000 square feet under one roof
- Department Store
- Warehouse Club
- Wholesale Club
- Gas Station
- Used Car Lot
- Bar, Tavern, or an Amusement or Recreation Establishment (including without limitation a pool hall, bowling alley, massage parlor, game center, theater, play house, night club, movie theater, adult book store, or establishment featuring a male or female revuc)
- Any combination of, or parking to support, any or all of the foregoing prohibited uses.

2.5. General Provisions

The development of Parcel B, C, and D shall be governed by the provisions

of the Aurora Zoning Ordinance, Section 11.5-7, Section 12.2, and Section 12.5 unless modified by the following provisions:

a. Plan Approval

Parcel B, C, and D shall be subject to final plan approval pursuant to Section 14.6-11(b), entitled "Procedures for approval of plans" subsection "Final plans", of the Aurora zoning ordinance and shall contain all information as described on Attachment "C", Required Components Of Final Plans.

b. Signs

All signs shall be pursuant to the "Aurora Sign Ordinance" and the Special Sign District regulations attached hereto as Attachment E to the Plan Description, and incorporated herein.

c. Landscaping and Screening

All Landscaping and screening shall be pursuant to Attachment "D", Landscaping Requirements. The landscaping for the subject property will be designed in a manner to promote an "urban" feel. This landscape theme will introduce hardscape elements and plaza areas. The style of landscaping is difficult to quantify into the City's standard canopy tree equivalents, therefore the Staff shall work with the Developer to facilitate the overall theme and to translate those efforts into credit against requirements of Attachment "D".

d. Parking and Loading

All parking and loading shall be pursuant to Section 10, "Off-Street Parking and Loading" of the Aurora Zoning Ordinance, except that one and one-half (1½) parking spaces per dwelling unit and four parking spaces per 1000 square feet of commercial use shall be provided, and one-quarter (.25) parking spaces per dwelling land banked on site for possible future implementation.

e. Specific Restrictions

Design and construction standards for lakes and blue/green detention areas shall be pursuant to the Kane County Stormwater Ordinance requirements as adopted by the City.

2.6. Nonconforming Zoning Lots, Structures, and Uses

All nonconforming zoning lots, structures, and uses shall be pursuant to Section 6, "Nonconforming Zoning Lots, Structures, and Uses" of the Aurora Zoning Ordinance.

2.7. Special Uses

All special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

2.8. Accessory Buildings and Uses

All Accessory structures and uses shall be pursuant to Section 8, entitled "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

2.9. Bulk Restrictions

- a. Maximum Lot Area Coverage by Buildings and Structures – one hundred percent (100%) of the area of the zoning lot (not including public right-of-way).
- b. Minimum setbacks from the public right of way:
 - Front yard
 - Along Main Street – 0 feet
 - Liberty Street – 30 feet
 - Rear yard -- 0 feet
 - Side yard -- 0 feet
 - Exterior Side yard – 0 feet
- c. Permitted Obstructions in Required Setback Areas
Obstructions in required setback areas shall be pursuant to Section 5.4 "Permitted Obstructions in Required Yard Areas" of the Aurora Zoning Ordinance.
- d. Maximum Height - The maximum height of structures shall be 70 feet, unless otherwise restricted by specific covenants and restrictions on the property.

2.10. Building Elevations

Building Elevations shall be presented for approval with the Final Plat and/or Plan and will be evaluated based on quality and variety of building materials, orientation and presentation from the public street, and the use of architectural elements.

B. PUBLIC IMPROVEMENTS

1. Owners/Developer agree to cooperate with the City in establishing any special service areas required by the City concerning the Subject Property and shall establish any required Specific Special Service Area ("SSA") within 60 days after Final Plan, Plat, and Final Engineering approval, and prior to any conveyance of any parcels to any non-Developer/Owner controlled person or entity. Owners waive any objection to the establishment of an SSA for the Subject Property, and agree that failure to comply and have a required SSA established may result in the City withholding Occupancy Permits in the Development.

The public right of way to be dedicated for Station Boulevard shall be established at 100 feet. The cross section for this roadway shall be constructed in two configurations as per the Concept Plan within Attachment "C". The first configuration, the Entryway Configuration, shall be implemented from the New York Street intersection north approximately 600 feet. The second configuration, the On Street Parking Configuration,

shall be implemented through the mixed-use portion of the site. The pavement design section shall meet the City of Aurora specifications for a minor collector.

The Entryway Configuration shall consist of two 27 foot paved lanes with B6-12 curb and gutter and a 23 foot landscaped median. Eleven foot (11') sidewalks adjacent to the property line are required and shall be permitted within the public right of way up to 1 foot off the property line. Landscaped islands shall be implemented at intervals adjacent to the back of curb of the roadway, in lieu of a parkway.

The On Street Parking Configuration shall consist of two 27 foot paved lanes, with 11.5 foot width for the parallel parking areas, with B6-12 curb and gutter and a 23 foot landscaped median. Eleven foot (11') sidewalks adjacent to the property line are required and shall be permitted within the public right of way up to the property line. Six foot (6'), or greater, landscaped islands shall be implemented at intervals adjacent to the back of curb of the roadway, in lieu of a parkway.

DEVELOPER will install the required improvements to this roadway, as per the Concept Plan within Attachment "C."

2. The public right of way to be dedicated for Interior Streets shall be established at fifty (50) feet with a cross section of twenty-eight (28) feet of pavement width back to back with B6-12 curb and gutter. OWNER shall dedicate fifty (50) feet of right-of-way, and 10 feet of utility easements on either side of said right of way for all interior streets as shown on the Concept Plan within Attachment "C." DEVELOPER will install the required improvements to these roadways, as per the Concept Plan within Attachment "C", and will dedicate right of way of twenty-five (25) feet and 10 feet of utility easements from the centerline as required by City ordinance.
1. The access points from the existing public right-of-way for the Subject Property are as follows:
 - a. All as shown on the Concept Plan document incorporated herein at Attachment "C"
2. A double-fed public water main system is required to provide adequate fire protection and water service for the Subject Property and each lot.
3. Development of the Subject Property requires that adequate storm and sanitary discharge plans, and other related plans, have been approved by the appropriate City of Aurora Department, or agency with responsible jurisdiction.
4. A subsurface drainage investigation report shall be submitted to the Engineering Department for review, as per the requirements of the Stormwater Ordinance. Any and all field tiles on the Subject Property must be protected during construction and shall be re-routed so as to not run under any building. Any filling operations must be done in such a manner so as not to raise the emergency overland flow elevations on adjacent properties. When, as and if said field tile is re-routed Owners and Developer shall not be required to use any tile of a type, kind or character other than is the same or equal to that presently used in the field tile in question. If the tile is run under any paved area, or within public right of

way, then concrete tile must be used.

5. Retaining walls utilized within the development shall not exceed three (3) feet in height. The stepping of retaining walls is allowed up to six (6) feet in overall height with a minimum run of three (3) feet between steps.
6. All improvements, buildings and structures shall be required to follow the Kane County Stormwater Ordinance requirements as adopted by the City.

IV. REQUESTED MODIFICATIONS AND EXCEPTIONS TO THE AURORA ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE

A. AURORA ZONING ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. Section 12.2-1.1 and Section 12.5-1.9

The subject property shall be allowed to construct mixed-use buildings where the residential use exceeds the total first floor square footage that is utilized for office or business use.

Additional variations may be requested through a Final Plan process with a public hearing as outlined in Section 15

B. SUBDIVISION CONTROL ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. The installation of street trees, sidewalks, and parkway landscaping shall be a condition of the issuance of a Certificate of Occupancy and shall not be included in the security required under Subdivision Code 43-55(a)3.
2. The Developer may commence construction of the major earthwork and stormwater detention facilities at the Owner's or Developer's sole risk before approval of the Final Plat, provided that prior thereto, the subdivider submits plans, estimates, and specifications for all public improvements for approval by the City Engineer; receives approval from all other appropriate authorities that have jurisdiction, including, but not limited to the Kane DuPage Soil and Water Conservation District; review and approval of the wetland delineation in accordance with the City of Aurora Stormwater Ordinance; Engineering Department approval of a mass grading plan and Stormwater Management Permit Application as required by the City of Aurora Stormwater Ordinance; and post cash or securities in the amount equal to one hundred and ten (110) percent of the estimated costs for mass grading site restoration and soil erosion control items

C. OTHER ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. Except as modified herein, the Zoning Ordinance and Building Codes for the subject Parcels shall be as follows:
 - City of Aurora Zoning Ordinance (Ordinance #3100) as amended herein;
 - Aurora Building Code.
2. Developer may submit, and the City shall review standard plans for various

building types for compliance with City codes. After the first building of a type has been completed, subsequent permit applications for the same building type may incorporate the approved standard building plan by reference without further review by the City. Upon the request of the Building Department, copies of plans and elevations of each dwelling unit shall be submitted to the City with the permit application.

D. MODEL HOMES AND SALES TRAILERS, CONSTRUCTION TRAILERS

1. Model Homes

The Developer shall be permitted, at the Developer's sole risk, to construct, maintain and occupy (2) six unit single family attached model buildings subject to the terms of this Section D.

- a. Permits for model units will not be issued until a final plat is approved containing the model unit area;
- b. Tested and approved water with sufficient fire hydrant coverage for the model homes (subject to the review of the Fire Marshal), gravel street, street signs, and stormwater detention with a functioning overland flood route from the model home area to the detention facility, and a secondary access, gravel surface roadway for construction, emergency and inspection vehicles shall be provided prior to model permit issuance. Sanitary and water services do not need to be provided until approval of residential occupancy.

2. Sales and Construction Trailers

- a. Upon Preliminary plan approval for the Subject Property and in advance of final engineering, final plat approval and the construction of sanitary, storm sewer, storm water detention facilities, water main, streets, curbs and gutters, the Developer shall be permitted to set temporary construction office, storage and sales trailers on the site. Approval for placement of trailers shall be subject only to staff review, which includes meeting the requirements of the City of Aurora Stormwater Ordinance. Planning Commission or City Council approval shall not be required.
- b. Installation of sanitary sewer and public water shall not be a condition to the issuance of permits for construction, storage and sales trailers;
- c. Sales Trailers shall be removed at such time as the Developer receives occupancy permits for the Sales/Model homes;
- d. The Developer shall be permitted to construct and maintain other appurtenant facilities for said trailers including temporary driveways.
- e. The Developer, upon approval of the City Engineer may construct temporary parking facilities, haul roads, and other pertinent facilities in advance of receipt of approved formal permits applicable to any parcel.

The City Engineer's approval shall not be unreasonably withheld.

f. Construction and storage trailers shall be removed within sixty (60) days following the completion of construction activity on the affected parcel.

3. All references to trailers in this Section (D) shall be as that term is defined in the City's Zoning Ordinance. All such trailers shall be maintained in a neat and orderly manner. The Developer shall maintain and repair any and all temporary facilities.

V. GENERAL PROVISIONS

A. PLAN DESCRIPTION DOCUMENT

1. All current codes and ordinances of the City in effect at the time of the development shall govern except where expressly stated within this Plan Description document to the contrary.
2. Amendments to this Plan Description document shall be subject to Section 15 of the Aurora Zoning Ordinance. Public notice shall be provided in accordance with said section and, to all current owners of property subject to this Plan Description.
3. This Plan Description document shall be mutually binding upon the heirs, executors, administrators, successors and assigns of present or future owners who use the property for the same permitted use.
4. If any section, subsection or paragraph of this Plan Description document shall be held invalid, the invalidity of such section, subsection or paragraph shall not affect any of the other provisions of this Plan Description document.
5. Any provisions contained within this Plan Description document that are in conflict shall be enforced in accordance with the more restrictive provision.

B. PLAN DOCUMENTS

1. A Preliminary Plan and a Preliminary Plat are required to be approved for each development parcel prior to approval of a Final Plat and Final Plan for property within said parcel, pursuant to Section 14.6-7 of the AZO.

VI. LIST OF ATTACHMENTS

Attachment "A" - Legal Description of Development Parcels

Attachment "B" - Preliminary Plan and Plat

Attachment "C" - Required Components of Final Site Plan

Attachment "D" - Landscaping Requirements

Attachment "E" - Special Sign District

Attachment "G" - Main Street Cross Sections

ATTACHMENT "A"

LEGAL DESCRIPTION OF DEVELOPMENT PARCELS

SITUATE IN SECTIONS 16 AND 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF DUPAGE, STATE OF ILLINOIS, AND BEING PART OF LOT 1 OF MEIJER SUBDIVISION AS RECORDED IN DOCUMENT NUMBER R2000-014525 (ALL REFERENCES TO DEEDS, MICROFICHE, PLATS, SURVEYS, ETC. REFER TO THE RECORDS OF THE DUPAGE COUNTY RECORDERS OFFICE, UNLESS NOTED OTHERWISE) AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT THE NORTHEAST CORNER OF SAID LOT 1, SAID CORNER BEING ON THE SOUTH RIGHT OF WAY LINE OF LIBERTY STREET AS ESTABLISHED BY SAID MEIJER SUBDIVISION;

THENCE ALONG THE EAST LINE OF SAID LOT 1, SOUTH 0 DEGREES 20 MINUTES 59 SECONDS WEST (S00°20'59"W) FOR ONE THOUSAND SIXTY-THREE AND 76/100 FEET (1063.76') TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE CONTINUING ALONG THE LINES OF SAID LOT 1 FOR THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 0 DEGREES 20 MINUTES 59 SECONDS WEST (S00°20' 59"W) FOR FOUR HUNDRED SEVENTY-FOUR AND 12/100 FEET (474.12');
2. SOUTH 86 DEGREES 4 MINUTES 12 SECONDS WEST (S86°04'12"W) FOR ONE THOUSAND SIX HUNDRED TWENTY FIVE AND 27/100 FEET (1625.27');
3. NORTH 0 DEGREES 9 MINUTES 2 SECONDS WEST (N00°9'02"W) FOR ONE THOUSAND FOUR HUNDRED TWENTY-NINE AND 57/100 FEET (1429.57');
4. NORTH 82 DEGREES 20 MINUTES 45 SECONDS EAST (N00°20'45"E) FOR ONE THOUSAND TWO HUNDRED NINETY-ONE AND 21/100 FEET (1291.21') TO A POINT, SAID POINT BEING SOUTH 82 DEGREES 20 MINUTES 45 SECONDS WEST (S82°20'45"W) A DISTANCE OF THREE HUNDRED FIFTY-EIGHT AND 08/100 FEET (358.08') FROM THE NORTHEAST CORNER OF LOT 1;

THENCE ON A NEW DIVISION LINE OVER SAID LOT 1 FOR THE FOLLOWING TWO COURSES:

1. SOUTH 0 DEGREES 20 MINUTES 59 SECONDS WEST (S00°20'59"W) FOR ONE THOUSAND THIRTEEN AND 90/100 FEET (1013.90');
2. SOUTH 89 DEGREES 39 MINUTES 01 SECOND EAST (S89°39'01"E) FOR THREE HUNDRED FIFTY FOUR AND 59/100 FEET (354.59') TO THE TRUE POINT OF BEGINNING, CONTAINING FORTY-SIX AND 985/1000 (49.985) ACRES, OR 2,046,683 SQUARE FEET, MORE OR LESS.

ATTACHMENT "B"
PRELIMINARY PLAN AND PLAT

ATTACHMENT "C"

REQUIRED COMPONENTS OF FINAL PLANS

A. General Directions

1. Must be drawn to accurate engineering scale.
2. Must contain following information.
 - a) Scale
 - b) North arrow
 - c) Original and revision dates.
 - d) name and address of owner of record.
 - e) Name and address of site plan designer.

B. Written documents

1. A statement of planning objectives to be achieved by the final plan through the particular approach proposed by the petitioner.
2. A development schedule indicating the approximate date when construction of the final plan or stages of the final plan can be expected to begin and be completed.
3. Petitioner's proposed covenants, restrictions and conditions to be established as part of the final plan.
4. A statement of the petitioner's intentions with regard to the future selling or leasing of all or portions of the final plan such as land areas, dwelling units, etc.
5. Exceptions or variations to City Zoning or Subdivision ordinances being requested as part of the final plan including the specific section of the Ordinance from which the variation is requested and the requested variation itself.
6. Estimates of cost of installation of all proposed improvements confirmed by a registered Illinois engineer.

C. Plan Data Requirements

1. Dimensions of property.
2. Existing and proposed streets (public and private), right-of-ways, driveways, all principal and accessory buildings and their use, dimensioned building setbacks, lot sizes, sidewalks, off-street parking, service areas, open space and recreational facilities.
3. Preliminary architectural plans for all buildings in sufficient detail to show basic building planning.
4. The existing and proposed vehicular and pedestrian circulation systems, indicating their interrelationship and proposed treatments of points of conflict.
5. Existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas, telephone and cable television lines including their sizes.
6. Proposed public and private lighting system.
7. Existing and proposed easements for utility service.
8. Proposed signage indicating size and content.
9. Existing vegetation and plantings.
10. Proposed berming and fencing.
11. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites

and similar public and semi-public uses.

12. Any other information necessary to clearly show the proposed site plan elements.

D. Information Regarding Contiguous Property

1. Location of contiguous buildings.
2. Zoning of contiguous property.
3. Land Use of contiguous property.

E. Site Data to be Provided in Lower Right Hand Corner

1. Legal Description.
2. Size of property in square feet or acres.
3. Current zoning.
4. Proposed lot coverage of buildings by square feet and percentage.
5. Proposed blacktop-pavement coverage by square feet and lot percentage.
6. Number of parking spaces provided.
7. Number of parking spaces required by Zoning Ordinance.
8. Total amount of landscaped area by square feet and lot percentage.
9. Number of buildings.
10. Number of dwelling units, if residential project.
11. Breakdown of dwelling unit bedroom types, if residential project.

F. Landscape Data to be Provided in Lower Left Hand Corner

1. Number of plantings by type.
2. Size of plantings at installation.
3. on-center spacing for hedges.
4. Caliper size of all trees at installation.

ATTACHMENT "D"

LANDSCAPING REQUIREMENTS

- I. **Landscaping Purpose and Intent.** These landscape standards are hereby established to create and maintain an aesthetically appealing community character that minimizes the negative impacts of vehicular traffic, parking lots, etc., and which incorporates human scale into the visual perception of the City. Specifically, these requirements are intended to beautify the public way; to increase the compatibility of adjacent uses by requiring a buffer or screening between uses; to minimize the adverse impact of noise, dust and headlight glare; to reduce topsoil erosion and storm water runoff; and to re-establish a canopy cover over the built environment to mitigate the effects of sun and wind so as to moderate extremes of temperature, provide shade, reduce wind velocity and conserve energy resources.
- II. **Applicability.** The landscape standards set forth herein shall be applied to all approved landscape plans; special use planned developments and Planned Development Districts through the final plan review procedures; special use petitions; rezoning petitions; conditional use petitions; all variation petitions; final plat of subdivision petitions; and each use district as specifically required through the site plan review process.
- III. **Required Landscape Plan.** The landscape plan shall be drawn to an accurate engineering scale, and include a scale, north arrow, location map, original and revision dates, name and address of owner and site plan designer. Plans shall show all landscape areas and their uses, the number of plantings by type, the size of plantings at installation, the on-center spacing for hedges, the caliper size of all trees at installation, existing vegetation and plantings, and proposed berming and fencing. Also included shall be all proposed/existing structures and other improvements, including but not limited to paved areas, berms, lighting, retention/detention areas and planting material. The landscape plan shall be sealed by a state registered Landscape Architect unless waived by the Zoning Administrator.
- IV. **Landscape provisions.** The following provisions shall be deemed as the minimum requirements for the landscape plan. Additionally, a variety of planting material is desired and must be reflected in the landscape plan.
 - A. The following requirements shall apply to all parcels and are cumulative:
 1. **Stormwater facility requirement.** For lake facilities, provide three canopy tree equivalents per each 100 feet of high water line. For detention facilities, provide five canopy tree equivalents per 100 feet of high water line. A minimum of 25% of the required canopy tree equivalent shall be non-canopy tree planting material. Alternatively, such facilities may be designed as natural features, implementing native deep-rooted shoreline plantings that stabilize the soil, slow runoff, facilitate infiltration and decrease erosion, subject to specific approval by the City.

2. Street tree requirement. Provide three canopy trees per 100 feet of right-of-way frontage, in the parkway on each side of each public street, pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual. If it is not possible to locate these trees in the parkway, place them within the exterior yards next to the parkway pursuant to the required count. When located below power lines, however, street trees must be understory trees pursuant to Section 6 of Arboricultural Specifications Manual.

For areas along the "Main Street" it shall be allowable to implement planters in lieu of actual green parkways. The requirement for plant material in this area will be determined with the Final Landscape Plan in a manner to accomplish the "Urban" theme of the subject property.

3. Setback area requirement. All required setback areas shall be planted in turf or other acceptable living groundcover.

B. The following requirements shall apply to all non-single family detached parcels and are cumulative in addition to the requirements of Section IV.A:

1. Perimeter Yard Requirement. Provide three canopy tree equivalents per 100 feet of lot perimeter, which may be clustered.
2. Buffer Yard Requirement. Enhance the boundaries between adjacent non-residential uses and residential uses, and between adjacent single family detached residential uses and non-single family detached residential uses to provide an aesthetic screening treatment by planting two canopy tree equivalents per one hundred feet of lot line, of which fifty percent (50%) shall be non-canopy tree planting material. Alternatively, a wall or fence may satisfy the requirement as determined by the City.

This requirement shall not apply to a mixed use parcel adjoining a residential parcel within the boundaries of the subject property.

3. Parking Lot Internal Requirement. An 8.5' by 19' landscaped island protected by a six inch raised concrete curb shall be established for every 20 parking spaces. Said islands shall be planted with 1.5 canopy tree equivalents with the preferred planting material mix including one canopy tree. Said islands shall be located to organize and direct traffic flow within the parking lot, and may be clustered.
4. Foundation planting requirement. Provide one canopy tree equivalent per 100 lineal feet of building foundation to effectively relate the structure to the landscape, of which 100% of the requirement shall be non canopy tree planting material.

This requirement shall not apply to any building constructed adjacent to the "Main Street".

5. Dwelling unit requirement. Provide 1 canopy tree equivalent per dwelling unit located around and/or adjacent to the structure.
- C. The following requirements shall apply to all newly established single family detached developments and are cumulative in addition to the requirements of Section IV.A:
1. Neighborhood border requirement. Provide subdivision neighborhoods with landscape borders, in which planting material, entry monuments and features, grade changes and the like are located. These borders shall be a minimum of 20 feet wide and shall be located along all public streets where single family detached lots do not front on such streets. Said border areas shall be planted at four (4) canopy tree equivalents per one hundred (100) feet of right of way frontage, of which fifty percent (50%) shall be non canopy tree planting material.
 2. Dwelling unit requirement. One canopy tree or equivalent shall be planted for each interior lot, and two trees for each corner lot. Said trees shall be planted in the required exterior yards of each street frontage.
- D. The following provisions shall apply to all non-single family detached parcels and any planting material utilized shall be credited toward the requirements of Section IV.A and Section IV.B:
1. Parking Lot Screening Provisions. Screen parking lots within 50 feet of public rights-of-way with compact hedging, berming, decorative fencing, decorative masonry, or a combination of these techniques, to a height of two and a half feet (2.5').
 2. Miscellaneous Screening Provisions. Screen to 100 percent opacity dumpsters, trash enclosures, HVAC and utility facilities with a combination of plant material and decorative fencing, decorative masonry, building structural extensions, or other similar elements.
 3. Storage Area Screening Provisions. All exterior storage for business, wholesale and manufacturing uses shall be screened as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, six (6) feet above grade and may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, neutral colored fence slatting, or wall construction. Such screening shall be required when one or more of the following conditions are present:
 - a. When any exterior yard of the property is located along a public right-of-way and storage is two hundred (200) feet or less from the right-of-way.
 - b. When any exterior yard of the property is located across a street from property that is zoned or developed solely for residential or public park purposes regardless of the distance from the residential or park property,

and the City of Aurora's Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

c. When any exterior yard of the property is located across an alley from property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the City of Aurora's Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

d. When the property is located contiguous to the yard of property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the City of Aurora's Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

e. When such storage areas were in existence as of July 9, 1996, screening shall be in conformance with the requirements of Section IV.D.3.c. not later than one (1) year from the date of notification, but within five (5) years following said date.

E. In addition to new planting material, the City may recognize and give one canopy tree equivalent credit for each 12 inches of caliper of healthy existing material that is in desirable condition and properly located as determined by the City.

F. The City may give credit for canopy tree equivalents that are planted at a size greater than the required minimum size. Such credit may satisfy up to 10 percent of the total canopy tree equivalent requirement, exclusive of the street tree requirement. The following shall be a basis for the credit:

1. Canopy tree or understory tree. For each inch of caliper greater than the minimum required, an inch of credit shall be applied.
2. Evergreen tree or multi-stemmed tree. For each foot in height greater than the minimum required, a foot of credit shall be applied.
3. Deciduous or evergreen shrubs. For each two feet in height greater than the minimum required, a foot of credit shall be applied.

V. Planting material specifications. The specifications for all required planting material shall be pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual.

A. The minimum size of the material at time of planting shall be as follows:

1. Canopy tree at 2.5 inch caliper. Note: caliper shall be measured 12 inches

from the base of the tree.

2. Evergreen tree at 6 foot in height, or understory tree at 2.5 inch caliper, or multi-stemmed tree at 8 foot in height.
3. Deciduous or evergreen shrubs at 18 inches in height.

B. **Planting Material Variety.** In order to allow for flexibility while maintaining minimum planting levels, many of the above provisions specify "canopy equivalents" instead of canopy trees. A canopy equivalent is one canopy tree, or three evergreen/ understory/ multi-stemmed trees, or twenty shrubs. These equivalent amounts are allowed to substitute for a canopy tree since the approximate coverage area at maturity of each of the equivalent amounts is comparable to the approximate coverage area at maturity of one canopy tree.

C. Acceptable and unacceptable tree species shall be pursuant to Section 4 of the Arboricultural Specifications Manual.

VI. **Naturalized Planting Areas.** The use of naturalized prairie style landscaping shall be encouraged adjacent to and within stormwater detention facilities, wetland, low-lying and inactive open space areas. These areas must meet the following criteria in order to remove said areas from the above stated requirements.

1. A detailed species list and management plan shall be prepared by a reportable consultant to be submitted by the Developer with the proposed Landscape Plan. This report shall include specifications on seed mix and amounts of seeds per square foot to be planted.
2. These areas shall not be subject to Section PM-302.4 of the City of Aurora Property Standard Ordinance if maintained pursuant to said management plan.
3. Prior to the Developer turning over general maintenance to the Homeowner's Association the Developer will hire a reportable consultant too determine (using the meandering method) whether all of the following criteria have been met:
 - a) A minimum of 50% of the planted species in the upland, wet meadow, and emergent planting zones are alive and apparent; and
 - b) There are no areas (of 4 square feet or larger) on side slopes, which are devoid of vegetation; and
 - c) The basin side slopes do not contain significant rills or gullies and the basin shoreline is not severely cut as a result or erosion; and
 - d) The emergent planting zone contains at least 50% coverage by native species; and
 - e) No more than 20% of any specific plant community is dominated by Reed Canary Grass (*Phalaris arundinacea*), White Sweet Clover (*Melilotus alba*), Kentucky Blue Grass (*Poa pratensis*), Purple Loosestrife (*Lythrum salicaria*), or Sandbar Willow (*Salix interior*).

4. The Homeowner Association shall be responsible employing a reportable landscaping firm for installing and long term maintenance of said natural landscape areas in compliance with the approved plans and reports

- VII. Subsequent to the review of said landscape plan, and issuance of the building permit, the City may allow through a staff review of said plan, minor deviations which do not substantially alter the plan, and which do not substantially diminish the intended benefits of said plan.

- VIII. The City shall recognize that the cost of planting material required by the standards of Section IV must be proportionate to the cost of the balance of work being proposed, and shall not exceed 20% of the total project costs, exclusive of sod and seeding costs, as supported by two written bids by recognized contractors.

- IX. **Planting Material Installation and Maintenance.** Planting material shall be installed prior to the end of the first available planting season prior to the issuance of an Occupancy Permit. Said planting materials shall be maintained and kept in a healthy condition, and any required planting material that dies shall be replaced prior to the end of the next available planting season. An irrevocable Letter of Credit shall be required as deemed necessary by the Zoning Administrator to guarantee installation of improvements required by the approved landscape plan prior to the issuance of a permit. The amount of said Letter of Credit shall be based on written bids from contractors covering the installation of all elements of the landscape plan including but not limited to all planting material, fencing, screen walls and pavers. Said Letter of Credit may be required where there are extensive elements required by the approved landscape plan as determined by the Zoning Administrator.

- IIX. **Timing extension for installation.** If construction work is completed during the off-planting season, a temporary certificate of occupancy shall be issued for the property which shall specify that all planting material as required by this Section be installed prior to the end of the next planting season

ATTACHMENT "E"

SPECIAL SIGN DISTRICT REGULATIONS

In addition to any signs permitted by City ordinance, pursuant to Section 2902.5 of the City Code of Ordinances, the City hereby establishes a special sign district for the Subject Property and adopts the special sign district regulations and specifications in this Attachment E to Plan Description. The regulations in this Attachment E shall supplement the regulations in the City sign ordinance. In the case of a conflict between the regulations in the City sign ordinance and this Attachment E, the less restrictive provision shall apply.

A. Signs Permitted

1. Temporary - Development Identification
 - a. Area: 300 sq. ft. each side, each sign
 - b. Height: 20' max.
 - c. Construction: Wood may be illuminated, no flashing lights or strobes.
 - d. Quantity: two (2) on the subject property
 - e. All temporary development signs shall be removed from the property prior to the issuance of the last occupancy permit.
2. Permanent – Residential Development Identification
 - a. Area: 50 sq. ft. each
 - b. Height: 6' max.
 - c. Construction: Monument style, with any combination of wood, masonry, concrete and landscaping with illumination
 - d. Quantity: three (3) on the subject property
3. Permanent – Non-Residential Development Identification
 - a. Developer shall submit for approval, at the time of final plat and plan, a proposed sign package identifying size, type and location permanent non-residential development identification within the subject property.
 - b. Area: 50 sq. ft. each
 - c. Height: 8' max.
 - d. Construction: Monument style, with any combination of wood, masonry, concrete and landscaping with illumination
 - e. Quantity: One (1) overall shopping center sign(s) and one additional sign for each outlot.
4. Temporary and Permanent Directional Identification and Permanent – Non-Residential Development Identification
 - a. Developer shall submit for approval, at the time of final plat and plan, a proposed sign package identifying size, type and location of temporary and permanent directional signs and any permanent non-residential development identification within the subject property.
5. Models and Sales Trailers
 - a. Development identification and direction signage may be permitted

on subject trailers.

B. General Regulations

1. In addition to the exterior lighting permitted on signs as indicated above, exterior lighting shall be permitted on sales centers, model homes, the American flag, arbors at the subdivision entry, and model home parking lots.
2. Signs may be directly or indirectly illuminated; provided, however, "For Sale" signs shall not be illuminated between the hours of 10:00 p.m. and 5:00 a.m.

ATTACHMENT "F"

INDEMNIFICATION AND HOLD HARMLESS

_____, for themselves, their successors, executors, heirs and assigns, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree to indemnify defend with counsel of the City of Aurora's own choosing and hold harmless the City of Aurora and its elected officials, officers, agents and employees, against all claims, demands, damages, costs, suits, actions, expenses, judgments or decrees by reason of any person or persons or the City being damaged because of or in any way growing out of, directly or indirectly approving building permits for model and production dwelling units without water mains being installed for the _____ property; or any inability whatsoever, for any reason of the City of Aurora to provide fire protection services, public services or other emergency or municipal services for the _____ property in the City of Aurora, Illinois.

The City of Aurora, and its members, officers, agents and employees, hereby expressly deny any and all liability in connection with the above.

_____, further state that they have carefully read the foregoing indemnification and know the contents and that they signed the same as their own free and voluntary act.

DEVELOPER

BY: _____

Subscribed and sworn to before me this ____ day
of _____, 2005.

Notary Public

ATTACHMENT "G"

Main Street Cross Sections

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE
FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee At Their Regular Meeting On Thursday, March 10, 2005
Recommended **APPROVAL** An Ordinance Amending Ordinance Number 3100, Being The Aurora
Zoning Ordinance And The Zoning Map Attached Thereto, By Rezoning Property From ORI (S) Office,
Research, And Light Industrial To R-4A (S) And B-1 (S) Special Use Planned Development, And
Approving A Plan Description For 46.98 Acres Located South Of Liberty Street, West Of Route 59
(Ryland Homes – NA21/2-05.019-Rz/Su – SP/PH)

VO TE: 3-0

Submitted By Michael B. Saville
Alderman Michael Saville, Chairman

Lynda Elmore
Alderman Lynda Elmore

John S. Peters
Alderman John S. Peters

Chris Beykirch
Alderman Chris Beykirch, Alternate

Dated This 11th Day Of March, 2005