

EXHIBIT "B"
AMENDMENT TO BUTTERFIELD PLANNED DEVELOPMENT DISTRICT
For the property located at 2727 Bilter Road, being south of Bilter Road and west of N.
Eola Road

Casefile:

Owner: Chicago Title Land Trust Company, a corporation of Illinois, as successor Trustee to LaSalle Bank National, as Trustee under the Trust Agreement dated October 8, 1971 and known as Trust No. 43123

Ordinance Number of Special Use Planned Development: O76-4510 and modified with O09-004 and O15-011, and O23-009

Date Plan Description for Planned Development District Approved by City Council: February 3, 1976

Said Plan Description for Butterfield Planned Development District is hereby revised and amended for the property legally described in Exhibit "A" and shown on Exhibit "C" (hereinafter the "Subject Property") as follows:

That the following to Section II. Description of Land Uses, Section III. Development Standards, Design Criteria and Land Improvements, and Section IV. Requested Modifications and Exceptions from the Zoning Ordinance and the Subdivision Control Ordinance be modified:

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Part 1: Modifications to Section II. Description of Land Uses. TO BECOME EFFECTIVE ONLY UPON THE CLOSING OF THE SALE AND RECORDING OF THE DEED OF PARCEL A.

A. Section II.B.1 Manufacturing Areas: "The permitted uses shall be as follows:" is hereby amended to only allow the following Permitted Uses solely with respect to proposed Parcel A (to be identified as Lots 1, 2, 3, 4 and 5 of Butterfield Phase II Unit 5A the formerly known as Lot 502, the legal description for which is attached as Exhibit A) and Parcel B (to be identified as Lots 1, 2, 3, 4 and 5 of Butterfield Phase II Unit 5B the formerly known as Lot 503 , the legal description for which is attached as Exhibit B) in Unit 5A of the Butterfield Center for Commerce and Industry (Parcels A and B).

a. Replace all permitted uses whether now existing or hereafter added allowed under

the existing Section II.B.1 of Ordinance 4510 approved on February 3, 1976 with the following.

1. For Parcels A and B: All permitted uses whether now existing or hereafter added in the B-2 Business District – General Retail, Section 49-108.3~~8.3~~ of the Aurora Zoning Ordinance. The following uses shall be permitted without the need for obtaining a conditional use permit for each such uses:
 - i. Hotel, select service (1360)
 - ii. Hotel, full service (1370)
 - iii. Hotel, convention (1380)
 - iv. Special Purpose Recreation (5200)

2. For Parcels A and B: The following Limited But Permitted Uses of Section 49-109.3.d.4 of the Aurora Zoning Ordinance are permitted as modified as follows:

Dwelling units, provided they are above the first floor and above a permitted use, the square footage of residential use allowed shall not be limited by the amount of non-residential use within the building.

3. For Parcel B only: All permitted uses whether now existing or hereafter added in the ORI Office, Research, Light Industry District, Section 49-108.10~~8.10~~ of the Aurora Zoning Ordinance except as modified in Section 5 below.

4. For Parcel A and B only: The provisions of paragraph 3 notwithstanding, the following use shall also be permitted:

- i. 3300 Warehouse, Distribution and Storage Services use limited to data centers, being warehouses of computer systems and associated components that processes and distributes large amounts of data, is permitted. All other uses categorized under the 3300 Warehouse, Distribution and Storage Services use is prohibited.

5. For Parcels A and B: That the following uses shall be prohibited on the Subject Property and expressly excluded from the Amended Plan Description:

- i. Pawn Shop (2160)
- ii. Used Clothing Stores (2120)
- iii. Laundromat (2610)
- iv. Tattoo Parlors (2630)
- v. Alternative Financial Institutions (2220)
- ~~vi.~~ Warehouse, Distribution and Storage Services (3300), except as modified in Section 4.i above to specifically allow data centers on Parcel A and B only
- vii. Vehicle Terminals and Vehicle Storage Yards, major (3310)

- viii. Vehicle Storage Yards, minor (3311)
- ix. Heavy Industrial (3400)
- x. Truck and Freight Transportation Services (4140)
- xi. Transportation Services (4100)
- xii. Commercial relocators (towing services)

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That the following Part 1: Section IV: Requested Modifications and Exceptions from the Zoning Ordinance and the Subdivision Control Ordinance be modified:

The following is hereby added to Section IV.A.25:

Solely with respect to proposed Parcel A (to be identified as Lots 1, 2, 3, 4 and 5 of Butterfield Phase II Unit 5A the formerly known as Lot 502, the legal description for which is attached as Exhibit A) and Parcel B (to be identified as Lots 1, 2, 3, 4 and 5 of Butterfield Phase II Unit 5B the formerly known as Lot 503, the legal description for which is attached as Exhibit B) all uses within the building, including accessory office space, including the Telecommunication Facilities, the Antennas, Communication Support Facilities, and the Public Utility Substation Use, will be calculated under the general requirement for Structure 2610: Electronic Data Storage and not calculated as different uses.

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That the following Part 1: Section III: Development Standards, Design Criteria and Land Improvements be modified:

- i. A.7.f: For Warehouse, Distribution and Storage Service Uses (3300) permitted for the Property, there shall be no required building separation provided that the buildings otherwise comply with applicable building code requirements.
- ii. A.3c.: To permit a twelve (12) foot in height wall/fence within the boundary line of the district setback.
- iii. A.16.a. Said Building Elevations shall also be in conformance with the following portions of the Recorded Declaration of Covenants, Conditions and Restrictions and of Certain Reciprocal Rights and Easement (R96-154465): Section 5.6 "Exterior Appearance of Buildings," Section 5.9 "Screening", Section 5.10 "Fences" ~~and those provisions pertaining to berming requirements within Exhibit C of the Declaration "Landscaping Standards and Specifications".~~
- iv. To permit an open style security fence not exceeding eight (8) feet in height.

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That the following Part 1: Section IV: Requested Modifications and Exceptions from the Zoning Ordinance and the Subdivision Control Ordinance be modified:

The following is hereby added to Section IV. B. Subdivision Control Ordinance Modifications.

- i. The Property may be subdivided into one or more lots without direct access to a public or private street provided that any such lot without direct access to a public or private street is reserved a minimum twenty foot (20') permanent cross access easement of access to a public street.