

PINs:
See "Exhibit A"

ADDRESS:
29W771 79TH STREET
NAPERVILLE, IL 60564

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #17-1-094

ORDINANCE NO. 18 - _____

**AN ORDINANCE GRANTING VARIANCES TO
SECTION 6-9-2:4.3.2 (OFF-STREET PARKING FACILITIES) AND
SECTION 6-9-3:6 (SCHEDULE OF OFF-STREET PARKING REQUIREMENTS)
OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY AT
29W771 79TH STREET
(WORLD MISSIONS SOCIETY CHURCH OF GOD)**

WHEREAS, World Missions Society Church of God is the owner ("Owner") of real property located on the east side of Route 59, south of 79th Street, commonly known as 29W771 79th Street, Naperville, Illinois, and legally described on Exhibit A and depicted on Exhibit B ("Subject Property"); and

WHEREAS, Owner requests approval of variances to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) and Section 6-9-3:6 (Schedule of Off-Street Parking Requirements: Parking Class No. 5 — Services And Institutions) on the Subject Property; and

WHEREAS, in addition to the variances herein, Owner has also requested City approval of ordinances approving an annexation agreement, annexation, rezoning, and preliminary/final subdivision plat (hereinafter cumulatively referenced as the “World Missions Society Church of God Ordinances”); and

WHEREAS, the western Lot 1 of the Subject Property is zoned B2 (Community Shopping Center District) and the eastern Lot 2 of the Subject Property is zoned to R2 (Single-Family and Low Density Multiple Family Residence District); and

WHEREAS, the Owner requests a variance to reduce the required parking setback from 5' to 0' pursuant to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities); and

WHEREAS, the Owner also requests a variance to reduce the required number of off-street parking spaces on Lot 1 from 144 spaces to 41 spaces pursuant to Section 6-9-3:6 (Schedule of Off-Street Parking Requirements: Parking Class No. 5 — Services And Institutions); and

WHEREAS, requested variances are necessary due to the subdivision of the Subject Property and the location of the existing improvements on the Subject Property; and

WHEREAS, on March 22, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-094, and recommended approval of the Owner's requests; and

WHEREAS, the requested variances meet the Standards for Granting a Variance as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

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 powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) of the Naperville Municipal Code is hereby granted to reduce the required parking setback at the Subject Property from 5' to 0' as generally depicted in the Preliminary/Final Subdivision Plat with Topographic Exhibit attached as **Exhibit B.**

SECTION 3: A variance to Section 6-9-3:6 (Schedule of Off-Street Parking Requirements: Parking Class No. 5 — Services And Institutions) of the Naperville Municipal Code is hereby granted to reduce the required amount of off-street parking spaces on Lot 1 from 144 spaces to 41 spaces as generally depicted in the Preliminary/Final Subdivision Plat with Topographic Exhibit attached as **Exhibit B.**

SECTION 4: The variances granted in Sections 2 and 3 are conditioned upon the following:

The City Zoning Administrator shall be given written notice by the Owner if Lot 2, which provides parking for Lot 1, is sold, rented, or leased (in whole or in part) at any time during which Lot 1 is used for church related purposes. Accompanying such notice shall be Owner's written plan identifying measures to provide replacement parking, and/or to reduce the parking demand on Lot 1. If the Zoning Administrator is in agreement with the proposed plan, or an alternate plan, this Ordinance shall be amended to incorporate the requirements of such plan in support of the variances granted herein. If the Zoning Administrator is not in agreement with the proposed plan, and no alternate plan is agreed upon by the Owner and the Zoning Administrator, the variances granted in this Ordinance may be revoked by passage of an ordinance of the City Council.

SECTION 5: The variances granted herein are granted solely to the current owner of the Subject Property, the World Missions Society Church of God, and shall not run with the land.

SECTION 6: The variances shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 7: The City Clerk is directed to record this Ordinance, together with the exhibits attached hereto, and the remaining World Missions Society Church of God Ordinances, to the DuPage County Recorder.

SECTION 8: 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.

SECTION 9: This Ordinance shall be deemed passed upon approval of the City Council and shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk