

**PINS:
07-13-440-003**

**ADDRESS:
315 S. MAIN STREET
NAPERVILLE, IL 60540**

**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 #19-1-131

ORDINANCE NO. 20 -

**AN ORDINANCE GRANTING A MAJOR CHANGE TO THE RIVER MAIN PUD
TO ALLOW A BUILDING HEIGHT DEVIATION AND DENYING A
REQUESTED FAR DEVIATION FOR THE RIVER MAIN DEVELOPMENT
LOCATED AT 315 S. MAIN STREET, NAPERVILLE**

RECITALS

1. **WHEREAS**, on March 7, 2017, Ordinance No. 17-030 approving a conditional use for a planned unit development and a preliminary/final planned unit development plat for River Main to allow for development of a four-story, mixed-use building was approved by the Naperville City Council for real property located at 315 S. Main Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, River Main Naperville, LLC, (hereinafter referenced as "**Petitioner**"), with offices located at 131 W. Jefferson, Suite 223, Naperville, IL 60540, is the owner of the Subject Property and has petitioned the City of Naperville (hereinafter also referenced as "**City**") for approval of a major change to the River Main PUD to allow building height and floor area ratio (FAR) deviations; and

3. **WHEREAS**, the Subject Property is currently zoned B4 (Central Business District) and is currently vacant; and
4. **WHEREAS**, the Petitioner requests approval of deviations to:
 - Section 6-7D-8 of the Naperville Municipal Code to increase the maximum building height from 60 feet to 69 feet as depicted on the building elevations attached to this Ordinance as **Exhibit C**; and,
 - Section 6-7D-8 of the Naperville Municipal Code to increase the permitted building FAR from 2.5 to 2.88 as depicted on the floor plans attached to this Ordinance as **Exhibit D**.
5. **WHEREAS**, staff recommends approval of the requested building height deviation for the River Main development, and denial of the requested FAR deviation; and
6. **WHEREAS**, on January 15, 2020, the Planning and Zoning Commission considered the Petitioner's requested deviations and recommended approval of both the building height and FAR deviation requests for the River Main development; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's requests for a building height deviation meets the Standards for Approving a PUD Deviation as provided in **Exhibit E** attached hereto, and should be granted as provided herein; and,
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requested FAR deviation does not meet the Standards for Approving a PUD Deviation and should be denied 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 powers, as follows:

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

SECTION 2: A deviation to the Naperville Municipal Code for the River Main development is hereby approved as set forth below:

- Deviation to Section 6-7D-8 of the Naperville Municipal Code to increase the maximum building height from sixty (60) feet to sixty-nine (69) feet as depicted on the building elevations attached to this Ordinance as **Exhibit C**; and,

SECTION 3: A deviation to the Naperville Municipal Code for the River Main development is hereby denied as set forth below:

- Deviation to Section 6-7D-8 of the Naperville Municipal Code to increase the permitted building FAR from 2.5 to 2.88 as depicted on the floor plans attached to this Ordinance as **Exhibit D**.

SECTION 4: The deviation approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 5: The deviation approval set forth herein shall be subject to revocation for failure to comply with all other applicable provisions set forth herein, in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 6: Upon satisfaction of the terms and conditions provided herein as confirmed by the Deputy Director of T.E.D., the City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk