

PIN:
07-30-07-005

Property Address:
1620 W. DIEHL RD
NAPERVILLE, IL 60563

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 #19-1-083

ORDINANCE NO. 19- __

**AN ORDINANCE APPROVING A MAJOR CHANGE TO A CONDITIONAL USE AND
VARIANCES FOR THE SUBJECT PROPERTY LOCATED AT
1620 W. DIEHL ROAD (NAPERVILLE AREA HUMANE SOCIETY)**

WHEREAS, the Naperville Area Humane Society (“**Petitioner**”) is the owner of the real property located at 1620 W. Diehl Road and legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and

WHEREAS, the Subject Property is zoned I (Industrial District) and is improved with a 3,550 square foot building used as an animal shelter; and

WHEREAS, on December 15, 2015, the City Council of the City of Naperville passed Ordinance No. 15-198, approving a conditional use for a pet care establishment with an outdoor area on the Subject Property; and

WHEREAS, the Petitioner requests a major change to Ordinance 15-198 in order to construct a 4,600 square foot addition to the existing building which requires variances to the Municipal Code for the proposed building and parking setbacks; and

WHEREAS, per Section 6-3-8:5 (Administration and Enforcement: Conditional Uses), the request for variances to the Municipal Code requires a major change to the conditional use issued per Ordinance 15-198; and

WHEREAS, on October 16, 2019 the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-083, and recommended approval of the Petitioner's request; and

WHEREAS, the requested amendment to the conditional use meets the Standards for Amending a Conditional Use as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that Petitioner's request should be granted 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A major change to the conditional use to permit a pet care establishment with an outdoor area in order to construct a 4,600 square foot building addition is hereby granted.

SECTION 3: A variance to permit the building addition and the existing building, as depicted on the Site Plan attached to this ordinance as **Exhibit D**, to encroach approximately 5' into the 15' interior yard setback, as required by Section 6-8C-7 (I District: Yard Requirements), is hereby granted.

SECTION 4: A variance to permit the parking lot along the north property line, as depicted on the site plan attached to this ordinance as **Exhibit D**, to encroach approximately 5' into the 20' front yard setback, as required by Section 6-9-2:4.3.1 (Off-Street Parking Facilities: Yard Requirements), is hereby granted.

SECTION 5: A variance to permit the parking lot along the west property line, as depicted on the site plan attached to this ordinance as **Exhibit D**, to encroach approximately 10' into the 20' corner side yard setback, as required by Section 6-9-2:4.3.1 (Off-Street Parking Facilities: Yard Requirements), is hereby granted.

SECTION 6: The Landscape Plan, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 7: The Building Elevations, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 8: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 9: 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 10: 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 _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk