

PINs:

07-01-12-300-007

07-01-12-300-005

07-01-13-100-001

ADDRESS:

SPRINGBROOK WATER RECLAMATION CENTER

3712 PLAINFIELD-NAPERVILLE ROAD

NAPERVILLE, IL 60565

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 #19-1-121

AN ORDINANCE APPROVING A MAJOR CHANGE TO A CONDITIONAL USE FOR A PUBLIC UTILITY IN THE R1 DISTRICT, A CONDITIONAL USE FOR GROUND-MOUNTED PHOTOVOLTAIC SYSTEM IN THE R1 DISTRICT, AND FENCE VARIANCES FOR THE PROPERTY LOCATED AT 3712 PLAINFIELD-NAPERVILLE ROAD (SPRINGBROOK SOLAR)

Recitals

- 1. WHEREAS**, the City of Naperville ("City"), 400 South Eagle Street, Naperville, Illinois, 60540 is the owner ("Owner") of real property located at the Springbrook Water Reclamation Center, 3712 Plainfield-Naperville Road, Naperville, Illinois, which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
- 2. WHEREAS**, the Subject Property is currently zoned R1 (Low Density Single-Family Residence District) and is improved with a wastewater treatment plan; and

3. **WHEREAS**, the property was annexed to the City of Naperville pursuant to Ordinance No. 90-115, and Ordinance No. 90-116 granted a conditional use for public utilities; and
4. **WHEREAS**, the City is seeking to annex an approximately twelve (12) acre vacant lot abutting the Springbrook Water Reclamation District to the northeast and rezone this parcel to R1 upon annexation; and
5. **WHEREAS**, the City requests approval of this ordinance (“Ordinance”) along with ordinances approving an annexation and rezoning of the vacant lot to R1, approving fence variances to Sections 6-2-5, 6-2-12:4.2 and 6-2-12:4.3 of the Naperville Municipal Code, and approving a preliminary/final plat of subdivision for the Subject Property (hereinafter cumulatively referenced herein as the “Springbrook Solar Ordinances”) to allow for the development of approximately six (6) acres consisting of a ground-mounted photovoltaic system and appurtenances; and
6. **WHEREAS**, in accordance with Section 6-3-8:5.1 (Conditional Uses: Major Changes) and Section 6-6L-3 (R1 District: Conditional Uses) of the Naperville Municipal Code, expanding a Public Utility use and resulting variances require processing as a Major Change; and
7. **WHEREAS**, the requested major change to a conditional use meets the Standards for Conditional Uses as provided; in **Exhibit C** attached hereto; and
8. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of variances from Section 6-2-5 (Utility Regulations), Section 6-2-12:4.2 (Fences: Screening), and Section 6-2-12:4.3

(Fences: Height) of the Naperville Municipal Code to allow for a 7' chain-link fence bordering the photovoltaic solar array; and

9. **WHEREAS**, the requested variances meet the Standards for Variances as provided; in **Exhibit C** attached hereto; and
10. **WHEREAS**, in accordance with Section 6-15-6 (Renewable Energy Systems: Conditional Uses) of the Naperville Municipal Code, a conditional use to allow a ground-mounted photovoltaic system over a certain size is required; and
11. **WHEREAS**, the requested conditional use meets the Standards for a Conditional Use for a renewable energy system as provided; in **Exhibit C** attached hereto; and
12. **WHEREAS**, the intended photovoltaic system to be constructed in a solar array necessitates the establishment of a new public utility site plan; and
13. **WHEREAS**, on February 19, 2020, the Planning and Zoning Commission considered the City's requests and recommended approval; and
14. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted and the site plan should be approved 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 a conditional use to allow for the expansion of a public utility and resulting variances at the Subject Property pursuant to Section 6-3-8:5.1

(Conditional Uses: Major Changes) and Section 6-6L-3 (R1 District: Conditional Uses) of the Municipal Code are hereby approved, subject to the following condition:

- a. Any changes in the placement of the solar panels necessitated by the engineering plans can be administratively approved by the City Engineer.

SECTION 3: Variances from Section 6-2-5 (Utility Regulations), Section 6-2-12:4.2 (Fences: Screening), and Section 6-2-12:4.3 (Fences: Height) of the Naperville Municipal Code to allow for a 7' chain-link fence bordering the solar array, are hereby approved.

SECTION 4: A conditional use to allow for ground-mounted photovoltaic system in a residential district pursuant to Section 6-15-6 (Renewable Energy Systems: Conditional Uses) of the Municipal Code is hereby approved.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance with the Will 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