

**ORDINANCE NO. 20 - \_\_\_\_\_**

**AN ORDINANCE AMENDING VARIOUS CHAPTERS OF TITLE 5 (BUILDING REGULATIONS), TITLE 6 (ZONING REGULATIONS), AND TITLE 7 (SUBDIVISION REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE PERTAINING TO DEVELOPMENTS INCLUDING DUPLEXES, SINGLE-FAMILY ATTACHED DWELLINGS, MUTIPLE FAMILY DWELLINGS OR ANY COMBINATION THEREOF**

**RECITALS**

- A. WHEREAS**, in 2015, the Naperville Municipal Code was amended to permit multiple townhome and/or multi-family buildings to be located on a single buildable lot in response to changing development and financing approaches that no longer supported the creation of a separate lot for each building proposed; and
- B. WHEREAS**, in such instances, the Code permits the applicable setbacks to be measured from the perimeter of the overall lot on which the multiple buildings are located, provided that at least 12' of separation is provided between the buildings; and
- C. WHEREAS**, the City received a request to amend the Naperville Municipal Code to extend these code allowances to duplex units and correct existing code inconsistencies applicable to projects that include multiple buildings located on a single buildable lot; and
- D. WHEREAS**, the City finds that the proposed amendments will result in a more cohesive residential development which permits and encourages a variety of housing types; and
- E. WHEREAS**, the Planning and Zoning Commission held a public hearing on the proposed amendments (PZC 20-1-089) and recommended their approval; and
- F. WHEREAS**, the City of Naperville is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and
- G. WHEREAS**, the Naperville City Council has determined that it is appropriate to adopt the amendments 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 authority, as follows:**

**SECTION 1:** The Recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

**SECTION 2:** Article C (Buildings) of Chapter 2 (Construction and Fire Prevention Regulations) of Title 5 (Building Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

**5-2C-3: - EXTERIOR WALL CONSTRUCTION:**

A minimum of fifty percent (50%) of the exterior wall construction for all new multiple-family dwellings, and single-family attached dwellings, ~~two-family dwellings, and any other principal building or structures containing such residential dwelling units~~ (as those terms are defined in Title 6 of this Code) shall be constructed of solid masonry, face brick, manufactured concrete stone veneer (one and one-half-inch average thickness) set individually into mortar bed, or other masonry products as approved by the City Council. In no instance shall EIFS, corrugated or channeled metal, unfinished/smooth face concrete block, be construed as sufficient material to comply with this Section. Said requirement shall also be applicable to new duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations).

The fifty percent (50%) coverage requirement shall be calculated by measuring all facades of the structure, excluding the openings for windows and doors, and dividing that figure by two (2). The builder of the structure shall be authorized to satisfy the fifty percent (50%) requirement by placing the masonry or brick on one or more facades of the structure, provided that the facade that faces the public street or private road that services the structure shall have a minimum of fifty percent (50%) of that facade constructed of solid masonry, face brick, manufactured concrete stone veneer (one and one-half-inch average thickness), or other masonry products approved by the City Council. ~~The requirements of this Section shall apply to new multiple-family dwellings, single-family attached dwellings, two-family dwellings, and any other building or structures containing such residential dwelling units, or to additions that comprise more than fifty percent (50%) of the total gross square footage of such existing building or structure.~~

**SECTION 3:** Chapter 1 (Zoning Title, Purpose, Definitions) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

ACCESSORY BUILDING OR STRUCTURE: - DWELLING, MULTIPLE-FAMILY:	* * *
<u>(TOWNHOME)</u> DWELLING,	A building, structure or portion thereof containing three (3)

SINGLE-FAMILY ATTACHED:	or more attached single-family dwellings where the units are primarily connected horizontally and are not more than two (2) dwelling units deep.
DWELLING, SINGLE-FAMILY DETACHED: - LODGE:	* * *
LOT:	A parcel of land indicated as such upon a subdivision or assessment plat recorded in the office of the county recorder.
LOT, CORNER: - ZONING DISTRICT MAP:	* * *

**SECTION 4:** Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

**6-2-26: - TEARDOWN/INFILL REGULATIONS:**

1. Purpose: \* \* \*

2. Applicability: The regulations contained herein shall apply to single-family detached dwelling units that meet any of the criteria set forth in Subsection 6-2-26.3 of this Section, for which a building permit application is accepted as complete by the City after February 15, 2005. The regulations contained herein shall also apply to duplexes that meet any of the criteria set forth in Subsection 6-2-26.3 of this Section, for which a building permit application is accepted as complete by the City after July 5, 2005; however, duplexes shall be exempt from compliance with the regulations contained herein if said duplexes are approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations).

3. Criteria: - 4. Height Limitations: \* \* \*

5. Building Coverage: Notwithstanding any lot or building coverage regulation provided in the underlying zoning district, tear down, infill single-family detached dwelling units or tear down/infill duplexes shall comply with the lot coverage regulations contained herein.

5.1. Maximum Building Coverage: - 5.3. Credit - \* \* \*

5.4. Exemption: The building coverage regulations contained herein shall not apply to one-story or one and one-half story tear down or infill single-family detached

dwelling units or one-story or one and one-half story tear down/infill duplexes. However, any proposal for additional height to an existing one-story or one and one-half story single-family detached or duplex structure shall comply with the building coverage regulations applicable to two-story or two and one-half story tear down/infill structures, as set forth in Subsection 6-2-26.4.2 of this Section.

**SECTION 5:** Chapter 6 (Residence Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

**ARTICLE C. - R2 SINGLE-FAMILY AND LOW DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT**

6-6C-1: - INTENT: - 6-6C-4: - REQUIRED CONDITIONS: \* \* \*

6-6C-5: - AREA REQUIREMENTS:

The minimum area in the R2 district shall be as follows:

1. Single-family detached dwellings; ~~two-family dwellings~~ and duplexes, except as otherwise provided in Section 6-6C-5.2 below; clubs and lodges; fraternities; nursery schools; preschools, and daycare centers: Six thousand (6,000) square feet per lot.
2. Duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations); and ~~s~~Single-family attached dwellings: Four thousand (4,000) square feet per dwelling unit.
3. Boarding, lodging, and rooming houses; dormitories: - 8. Undertaking establishments and funeral parlors allowed as a conditional use in Section 6-6C-3 of this Article: \* \* \*

6-6C-6: - LOT WIDTH REQUIREMENTS:

The minimum lot width, at the front yard line, in the R2 district shall be as follows:

1. Single-family detached dwellings; ~~two-family dwellings~~ and duplexes, except as otherwise provided in Section 6-6C-6:2 below; boarding, lodging, and rooming houses; clubs and lodges; fraternities; dormitories; nursery schools, preschools and daycare centers: Fifty (50) feet.
2. Duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations) and Aall other permitted and conditional uses: None.

6-6C-7: - YARD REQUIREMENTS:

The minimum yards required in the R2 district shall be as follows:

1. All residential uses: - 2. All other permitted and conditional uses: \* \* \*
3. For any subdivision containing one or more buildings utilized for single-family attached dwellings and/or duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations), the applicable yard requirements provided in this Section shall be measured from the

building to the edge of the abutting public right-of-way or the perimeter of the subdivision, whichever is applicable, provided that there shall also be a minimum of twelve (12) feet of separation between all primary structures located within the subdivision.

**6-6C-8: - HEIGHT LIMITATIONS/BULK REGULATIONS:**

1. The maximum height for all buildings and structures in the R2 district, except for single-family detached dwelling units and duplexes, shall be three (3) stories not to exceed forty (40) feet. The maximum height for all single-family detached dwelling units and duplexes in the R2 district shall be two and one-half (2 ½) stories not to exceed thirty five (35) feet; except that duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations) shall be permitted to have a maximum height of three (3) stories not to exceed forty (40) feet.
2. \* \* \*

**ARTICLE D. - R3A MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT**

6-6D-1: - INTENT: - 6-6D-4: -REQUIRED CONDITIONS: \* \* \*

**6-6D-5: - AREA REQUIREMENTS:**

The minimum area in the R3A district shall be as follows:

1. Single-family detached dwellings; ~~two-family duplexes~~ except as otherwise provided in Section 6-6D-5.2 below; nursery schools, preschools, and daycare centers; clinics: Six thousand (6,000) square feet per lot.
2. Duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations); sSingle-family attached dwellings; and multiple-family dwellings: ~~(#For all properties zoned R3A prior to August 17, 1999): T, there shall be no minimum lot area for a single-family attached dwelling,~~ provided that the sum of the area of the lots on which athe structure(s) consisting of three (3) or more single-family attached dwellings is located shall not be less than the number of dwellings times four thousand three hundred fifty (4,350) square feet.
3. Duplexes approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations); sSingle-family attached dwellings; and multiple-family dwellings: ~~(#For all properties annexed or rezoned to R3A on August 17, 1999, or thereafter): T, there shall be no minimum lot area for a single-family attached dwelling,~~ provided that the sum of the area of the lots on which athe structure(s) consisting of three (3) or more single-family attached dwellings is located shall not be less than the number of dwellings times four thousand (4,000) square feet and shall not be more than eight (8) dwelling units per acre on a modified gross density basis.
4. ~~Multiple-family dwellings (for properties zoned R3A prior to August 17, 1999): The lot area for a structure consisting of multi-family dwellings shall not be less than the number of dwellings times four thousand three hundred fifty (4,350) square feet.~~

~~5. Multiple-family dwellings: The lot area for a structure consisting of multi-family dwellings for all properties annexed or rezoned to R3A on August 17, 1999, and thereafter, shall not be less than the number of dwellings times four thousand (4,000) square feet and shall not be more than eight (8) dwelling units per acre on a modified gross density basis.~~

~~46. Primary and secondary schools: Seven (7) acres.~~

~~57. Golf courses; parks, playgrounds, and forest preserves; public and private utility facilities: None.~~

~~6f8. Religious institutions; civic buildings; swim and/or tennis clubs; convalescent and nursing homes; planned unit developments: Two (2) acres.~~

6-6D-6: - LOT WIDTH REQUIREMENTS: \* \* \*

6-6D-7: - YARD REQUIREMENTS:

The minimum yards required in the R3A district shall be as follows:

1. All residential uses, except multiple-family dwellings: - 2. All other permitted and conditional uses: \* \*
3. For any subdivision containing one or more buildings utilized for single-family attached, duplexes, or multi-family dwellings approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations), the applicable yard requirements provided in this Section shall be measured from the building to the edge of the abutting public right-of-way or the perimeter of the subdivision, whichever is applicable, provided that there shall also be a minimum of twelve (12) feet of separation between all primary structures located within the subdivision.

6-6D-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: \* \* \*

## **ARTICLE E. - R3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT**

6-6E-1: - INTENT: - 6-6E-4: - REQUIRED CONDITIONS: \* \* \*

6-6E-5: - AREA REQUIREMENTS:

The minimum area in the R3 district shall be as follows:

1. Single-family detached dwellings; two-family duplexes except as otherwise provided in Section 6-6E-5:4 below; nursery schools, preschools, and daycare centers; clinics: Six thousand (6,000) square feet per lot.
2. Single-family attached dwellings, except as otherwise provided in Section 6-6E-5:4 below: There shall be no minimum lot area for a single-family attached dwelling, provided that the sum of the area of the lots on which a structure consisting of three (3) or more single-family attached dwellings is located shall not be less than the number of dwellings times four thousand (4,000) square feet.
3. Multiple-family dwellings: The lot area for a structure consisting of multi-family dwellings shall not be less than the number of dwellings times two thousand six hundred (2,600) square feet.

4. Developments containing a mix of single-family attached dwellings, duplexes, and/or multiple-family dwellings in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations): There shall be no minimum lot area provided that the sum of the area of the lots on which the structures are located shall not be less than the number of dwellings times three thousand three hundred (3,300) square feet.

54. Primary and secondary schools: Seven (7) acres.

65. Golf courses; parks, playgrounds, and forest preserves; public and private utility facilities: None.

76. Religious institutions; civic buildings; swim and/or tennis clubs; convalescent and nursing homes; planned unit developments: Two (2) acres.

6-6E-6: - LOT WIDTH REQUIREMENTS: \* \* \*

6-6E-7: - YARD REQUIREMENTS:

The minimum yards required in the R3 district shall be as follows:

1. All residential uses, except multiple-family dwellings: - 2. All other permitted and conditional uses: \* \* \*

3. For any subdivision containing one or more buildings utilized for single-family attached, duplexes, or multi-family dwellings approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations), the applicable yard requirements provided in this Section shall be measured from the building to the edge of the abutting public right-of-way or the perimeter of the subdivision, whichever is applicable, provided that there shall also be a minimum of twelve (12) feet of separation between all primary structures located within the subdivision.

6-6E-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: \* \* \*

## **ARTICLE F. - R4 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT**

6-6F-1: - INTENT: - 6-6F-4: - REQUIRED CONDITIONS: \* \* \*

6-6F-5: - AREA REQUIREMENTS:

The minimum area in the R4 district shall be as follows:

1. Single-family detached dwellings; two-family duplexes, except as otherwise provided in Section 6-6F-5:4 below; nursery schools, preschools, and daycare centers; clinics: Six thousand (6,000) square feet per lot.

2. Single-family attached dwellings, except as otherwise provided in Section 6-6F-5:4 below: There shall be no minimum lot area for a single-family attached dwelling, provided that the sum of the area of the lots on which a structure consisting of three (3) or more single-family attached dwellings is located shall not be less than the number of dwellings times four thousand (4,000) square feet.

3. Apartment hotels and multiple-family dwellings, except as otherwise provided in Section 6-6F-5:4 below: The lot area for a structure consisting of an apartment hotel

or multi-family dwellings shall not be less than the number of dwellings times two thousand one hundred fifty (2,150) square feet.

4. Developments containing a mix of single-family attached dwellings, duplexes, and/or multiple-family dwellings in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations): There shall be no minimum lot area provided that the sum of the area of the lots on which the structures are located shall not be less than the number of dwellings times three thousand three hundred (3,300) square feet.

54. Primary and secondary schools: Seven (7) acres.

65. Golf courses; parks, playgrounds, and forest preserves; public and private utility facilities; parking lots and garages: None.

76. Religious institutions; civic buildings; swim and/or tennis clubs; convalescent and nursing homes; planned unit developments: Two (2) acres.

6-6F-6: - LOT WIDTH REQUIREMENTS: \* \* \*

6-6F-7: - YARD REQUIREMENTS:

The minimum yards required in the R4 district shall be as follows:

1. All residential uses except apartment hotels and multiple-family dwellings: - 2. All other permitted and conditional uses: \* \* \*

3. For any subdivision containing one or more buildings utilized for single-family attached, duplexes, or multi-family dwellings approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations), the applicable yard requirements provided in this Section shall be measured from the building to the edge of the abutting public right-of-way or the perimeter of the subdivision, whichever is applicable, provided that there shall also be a minimum of twelve (12) feet of separation between all primary structures located within the subdivision.

6-6F-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: \* \* \*

**SECTION 6:** Chapter 7 (Business Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

**ARTICLE F. - OCI OFFICE, COMMERCIAL AND INSTITUTIONAL DISTRICT**

6-7F-1: - INTENT: - 6-7F-4: - REQUIRED CONDITIONS FOR ALL USES:

\* \* \*

6-7F-5: - AREA REQUIREMENTS:

The minimum area in the OCI district shall be as follows:

1. Single-family attached dwellings approved by the City Council as a conditional use after November 16, 2004, except as otherwise provided in Section 6-7F-5:3 below: There shall be no minimum lot area for a single-family attached dwelling, provided



that the sum of the area of the lots on which a structure consisting of three (3) or more single-family attached dwellings is located shall not be less than the number of dwellings times four thousand (4,000) square feet.

2. Multiple-family dwellings approved by the City Council as a conditional use after November 16, 2004: The lot area for a structure consisting of multi-family dwellings shall not be less than the number of dwellings times two thousand six hundred (2,600) square feet.
  3. Developments containing a mix of single-family attached dwellings and multiple-family dwellings in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations): There shall be no minimum lot area provided that the sum of the area of the lots on which the structures are located shall not be less than the number of dwellings times three thousand three hundred (3,300) square feet.
4. All other permitted and conditional uses: None.

6-7F-6: - LOT WIDTH REQUIREMENTS: \* \* \*

6-7F-7: - YARD REQUIREMENTS:

The minimum yards required in the OCI district shall be as follows: \* \* \*

For any subdivision containing one or more buildings utilized for single-family attached, or multi-family dwellings approved in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of Title 7 (Subdivision Regulations), the applicable yard requirements provided in this Section shall be measured from the building to the edge of the abutting public right-of-way or the perimeter of the subdivision, whichever is applicable, provided that there shall also be a minimum of twelve (12) feet of separation between all primary structures located within the subdivision.

6-7F-8: - HEIGHT LIMITATIONS/BULK REGULATIONS: \* \* \*

**SECTION 7:** Chapter 1 (General Provisions) of Title 7 (Subdivision Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

7-1-1: - TITLE AND PURPOSE: - 7-1-2: - JURISDICTION: \* \*

7-1-3: - APPLICABILITY, COMPLIANCE AND DEFINITIONS:

1. Applicability: \* \* \*
2. Compliance: Except as provided below, nNo lot or tract of land shall be divided or redivided or in any manner utilized for the purpose of erecting more than one principal building or unit on such lot or tract of land without subdividing, resubdividing by this Title, or by submitting same as a planned unit development as provided by the zoning ordinance of the City <sup>[2]</sup>.

In the ORI zoning district, any ~~lot~~tract of land may contain one or more principal buildings; provided, however, that such ~~lot~~tract may not be divided in ownership at any time, or from time to time thereafter, if after such division each resulting ~~lot~~tract

does not meet the requirements of the provisions of the zoning ordinance and all other ordinances, codes, and regulations of the City applicable thereto, specifically, but without limiting the generality thereof, the yard requirement provisions of the zoning ordinance of the City <sup>[3]</sup>.

~~In the R2, R3, R3A, and R4 districts, any tract of land improved with single-family attached dwellings or multiple family dwellings may contain one or more principal buildings, provided that the yard requirement provisions of the zoning ordinance of the City are met.~~

Any tract of land which is vacant, or which will be vacant at the time of development, for which construction of duplexes, single-family attached dwellings, multiple family dwellings, or any combination thereof is proposed in the R2, R3, R3A, R4, and OCI zoning districts may contain more than one principal building provided that upon completion:

1. The permitted uses, conditional uses, and other requirements set forth in the applicable zoning district then in effect are met, unless a variance is granted in accordance with the provisions of Title 6 (Zoning Regulations); and

2. The residential units in the development shall at all times be part of and operated subject to a not for profit association for which membership is mandatory, which association will be responsible for the governance of certain aspects of the development as set forth in a declaration of covenants and bylaws which shall be recorded with the applicable county recorder prior to conveyance of any dwelling unit on said tract of land; and

3. The proposed development meets some or all of the following criteria as determined appropriate by the Zoning Administrator in the context of the proposed development: (a) shared common space; (b) shared amenities; (c) shared access drives; and (d) shared parking.

No plat of any subdivision ~~or assessment~~ of more than one (1) lot, dedication, vacation, annexation, planned unit development, or plat of survey under the Condominium Act <sup>[4]</sup>, shall be valid nor entitled to record unless and until the same has been approved by the City Council in accordance with procedures hereinafter provided, and no such plat, including planned unit developments within the unincorporated area within one and one-half (1½) miles of the corporate limits at any given time, shall be approved without compliance with the standards and improvements required as hereinafter set forth.

No plat of any subdivision ~~or assessment~~ of one (1) lot shall be valid nor entitled to record unless and until the same has been approved by the City Council, and no such plat shall be approved without compliance with the standards and improvements required as hereinafter set forth.

3. Definitions: \* \* \*

**SECTION 8:** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk