

RESOLUTION NO. 20 -

A RESOLUTION AFFIRMING THE APPLICABILITY OF SECTION 6-2-19 (EXISTING BUILDINGS AND STRUCTURES) TO THE PROPERTY LOCATED AT 600 INDUSTRIAL DRIVE FOLLOWING ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR NORTH AURORA ROAD

RECITALS

1. **WHEREAS**, the property located at 600 Industrial Drive in the City of Naperville, legally described on Exhibit A and depicted on Exhibit B (hereinafter "Subject Property"), is owned by 600 Industrial Drive Service, 870 S. Collier Boulevard, Marco Island, Florida 34145 (hereinafter "Property Owner"); and
2. **WHEREAS**, the Subject Property is zoned I (Industrial) and is improved with an approximately 21,600 square foot industrial and office building and approximately 70 associated parking spaces; and
3. **WHEREAS**, the Subject Property abuts North Aurora Road along its northern property line; and
4. **WHEREAS**, North Aurora Road is a minor arterial roadway and designated City Truck Route with an average daily trip of 21,000 vehicles per day, serving both residents of Naperville and Aurora, as well as providing access to the Route 59 Metra Station; and
5. **WHEREAS**, in 2020, the City of Naperville, in conjunction with the Naperville Township Road District, will undertake CIP# SC033 to improve North Aurora Road between Weston Ridge Drive and Frontenac Road (hereinafter "CIP# SC033"); and
6. **WHEREAS**, CIP# SC033 will increase roadway capacity by adding one through lane in each direction, thereby reducing congestion; improve safety through the addition of

roadway lighting and left turn channelization; add new pedestrian and bicycle facilities to provide access to the Route 59 Metra Station; and improve corridor drainage; and

7. **WHEREAS**, CIP# SC033 necessitates the acquisition of an additional ten feet (10') of North Aurora Road right-of-way along the frontage of the Subject Property (hereinafter "Acquisition") as depicted in **Exhibit C**; and
8. **WHEREAS**, per Section 6-8C-7 (Industrial District: Yard Requirements) of the Naperville Municipal Code (hereinafter "Code"), there shall be a required yard adjacent to each existing or proposed roadway which bounds an individual tract. Such yard shall not be less than twenty feet (20') in depth; provided, however, that such yard located across a street from a residence district shall in no event be less than one hundred feet (100') in depth; and
9. **WHEREAS**, per Section 6-8C-7, the Subject Property has a required yard of 100' adjacent to North Aurora Road; and
10. **WHEREAS**, per Section 6-9-2:4.3 of the Code (Off-Street Parking Facilities: Industrial), parking facilities may not be located in the required front yard; and
11. **WHEREAS**, per Section 6-9-3 (Schedule of Off Street Parking Requirements): Parking Class 2 – Industrial Uses, the Subject Property shall provide 2.5 parking spaces per 1,000 square feet of building gross floor area; and
12. **WHEREAS**, following Acquisition, the existing improvements on the Subject Property, including a portion of the existing building and a portion of the required parking, will be located within the required 100' yard, in conflict with the Code; and

13. WHEREAS, following Acquisition, the number of existing parking spaces on the Subject Property may be reduced by up to 4 parking spaces, which does not appear to result in a non-conforming parking supply; and

14. WHEREAS, Section 6-2-19 (Existing Buildings and Structures) of the Code provides regulations pertaining to the continuance, repair and alteration, restoration, and relocation of existing buildings and structures which do not comply with Code requirements; and

15. WHEREAS, the City Council, through this Resolution, hereby affirms that that regulations provided in Section 6-2-19 of the Code shall be applicable to the Subject Property following Acquisition, as further described below; and

16. WHEREAS, the Subject Property is located within the Industrial Zoning District of the City of Naperville; and

17. WHEREAS, the current uses on the Subject Property, described on **Exhibit D** attached hereto, have been determined by the City Zoning Administrator to be permitted uses within the Industrial Zoning District of the Naperville Municipal Code.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution shall be deemed incorporated and made part hereof.

SECTION 2: Following Acquisition, the location of a portion of the building and parking located on the Subject Property will not fully comply with the 100' front yard setback required along North Aurora Road. The City Council affirms that Section 6-2-19 (Existing

Buildings and Structures) of the Code shall be applicable to the Subject Property following Acquisition, including:

- A. Any building or structure which existed at the time of the adoption of this Title, or any amendment hereto, and which does not comply with yard requirements of the zoning district in which said building or structure is located upon the adoption of this Title, or any amendments hereto, may be continued during the remainder of the normal life of the building or structure or until the building or structure has deteriorated to the extent that it is no longer safe. The continuance of such building or structure shall be subject to the regulations herein set forth.
- B. Repairs and alterations which increase the bulk of the building or structure and which increase the lot coverage may be made to a building or structure which does not comply with the yard requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, yard requirements, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- C. Repairs and alterations which increase the bulk of the building or structure and which do not increase the lot coverage may be made to a building or structure which does not comply with the yard requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- D. Nothing in this Title shall prevent the reconstruction, repairing or rebuilding of a building, structure or part thereof which does not comply with yard requirements of the zoning district in which said building or structure is located and which exists at the effective date hereof, rendered necessary by wear and tear, or deterioration of which is required by the provisions of the building regulations of the City relative to the maintenance of said buildings or structures, provided the cost of such work, within a two-year time period, shall not exceed fifty percent (50%) of the replacement cost of such building or structure at the time such work is done.
- E. If a building or structure which does not comply with yard requirements of the zoning district in which said building or structure is located is damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the building or structure at the time of destruction or damage, then any new construction or reconstruction must comply with all regulations of the zoning district in which the building or structure is located.
- F. No building or structure which does comply with the yard requirements of the zoning district in which said building or structure is located shall be moved in

whole or in part to any other location on the same or any other lot unless every portion of such building or structure complies with the regulations of the zoning district in which it is to be located.

SECTION 3: If any section, paragraph, or provision of this Resolution 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 Resolution or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 4: This Resolution 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