

**PIN:
08-07-315-001**

**ADDRESS:
216 E OGDEN AVENUE
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 #22-1-032

ORDINANCE NO. 22 - _____

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE
CONDITIONAL USE APPROVED BY ORDINANCE 00-084 TO ALLOW
MODIFICATIONS TO THE EXISTING STRUCTURE FOR THE PROPERTY
LOCATED AT 216 E OGDEN AVENUE (AUTUMN HOMES)**

RECITALS

1. **WHEREAS**, Autumn Homes, Inc., 1015 Shimer Court, Naperville, Illinois 60565, (“**Petitioner**”) has petitioned the City of Naperville for a minor change to the Conditional Use approved by Ordinance 00-084 to allow for modifications to the existing structure located at 216 E. Ogden Avenue, Naperville, IL 60563 legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, the Owners of the subject property are Christian Zenger and Tyler Zenger (“**Owners**”); and
3. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) with a Conditional Use for a home-to-office conversion per Section 6-6C-3:4; and

4. **WHEREAS**, on May 16, 2000, the City Council of the City of Naperville (“**City**”) approved Ordinance 00-084, a Conditional Use in the R2 District to allow for a home-to-office conversion with variances for the property located at 850 N. Ellsworth Street; and
5. **WHEREAS**, the Subject Property previously had an address of 850 N. Ellsworth Street and is now known as 216 E. Ogden Avenue; and
6. **WHEREAS**, the Petitioner requests a minor change to the Conditional Use approved by Ordinance 00-084 to allow for modifications to the exterior façade including increasing the height of the roof to a maximum height of 21’-4” as depicted on **Exhibit C**; and
7. **WHEREAS**, the proposed height increase is below the maximum permitted height of 40’ for all buildings and structures in the R2 district and the petitioner is not proposing any expansion to the building footprint or any changes to the existing parking lot; and
8. **WHEREAS**, the use of the space as an office is consistent with the original approvals; and
9. **WHEREAS**, per Section 6-3-8:5 (Changes to Approved Conditional Uses), the request to increase the height requires a minor change to the Conditional Use; and
10. **WHEREAS**, the requested amendment to the Conditional Use meets the Standards for Amending a Conditional Use as provided in **Exhibit D** attached hereto; and
11. **WHEREAS**, the City Council has determined that the Petitioner’s request should be granted as provided herein; and

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 minor change to the existing Conditional Use, for home-to-office conversion in the R2 District approved by Ordinance 00-084, to allow for modifications to increase the height of the existing structure is hereby approved for the Subject Property.

SECTION 3: The building elevation and floor plan, attached to this Ordinance as **Exhibit C** is hereby approved for the Subject Property.

SECTION 4: This minor change shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 5: 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 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk