

**ORDINANCE NO. 23 - \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 7 (BUSINESS DISTRICTS) OF  
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE**

**RECITALS**

- A. WHEREAS**, the intent of the OCI zoning district is to act as a transitional zone between intensive business areas and residential neighborhoods; and
- B. WHEREAS**, the OCI district accommodates a mix of office, residential, institutional and support commercial facilities; and
- C. WHEREAS**, the proposed text amendment seeks to modify existing code allowances to permit eating establishments as a conditional use in the OCI zoning district, without the requirement that such use be located within a planned unit development; and
- D. WHEREAS**, the objective of a planned unit development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations; therefore, not all properties qualify to be development as a planned unit development due to the additional requirements; and
- E. WHEREAS**, removing the requirement for an eating establishment to be located within a planned unit development in the OCI zoning district will not change the intent of previous amendments as any proposed eating establishment will continue to be required to receive approval of a conditional use which allows for thorough review for appropriateness at any desired location within the surrounding context; and
- F. WHEREAS**, at their April 19, 2023 meeting, the Planning and Zoning Commission initiated the proposed amendment; and
- G. WHEREAS**, at their May 17, 2023 meeting, the Planning and Zoning Commission conducted a public hearing regarding the proposed amendment to the OCI district and voted to recommend approval to remove the PUD requirement for eating establishments when approved as a conditional use in the OCI district (approved 6,0); and
- H. WHEREAS**, the Naperville City Council has determined that it is appropriate to adopt the amendment to remove the requirement that eating establishments be located within a planned unit development in the OCI district 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 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:** Chapter 7 (Business Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by removing the ~~stricken~~ language, as follows:

**6-7F-3: - CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title as well as Sections 6-7F-5, 6-7F-6 and 6-7F-8 of this Article, as appropriate:

1. Convalescent and nursing homes.
2. Multi-family dwellings.
3. General retail.
4. Health spas without lodging accommodation/massage establishment.
5. Internet cafes.
6. Parking lots or garages, principal.
7. Planned unit developments.
8. Public and private utility facilities.
9. Reserved.
10. Telecommunications facilities as required by Chapter 13 of this Title.
11. Single-family attached dwelling.
12. Full service hotels.
13. Pet care establishments having received approval as a conditional use in the OCI zoning district prior to February 20, 2008, may be continued; after that date, no new pet care establishments will be allowed as a conditional use in the OCI zoning district.
14. Eating establishments, ~~when located within a planned unit development.~~

**SECTION 3:** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Scott A. Wehrl  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk