

ORDINANCE NO. 23 - _____

**AN ORDINANCE AMENDING TITLE 7 (SUBDIVISION REGULATIONS) OF
THE NAPERVILLE MUNICIPAL CODE TO ADD THE
TRANSITIONAL USE (TU) ZONING DISTRICT**

RECITALS

- A. WHEREAS**, in 2020, the Naperville Municipal Code was amended to permit duplexes, single-family attached dwellings, and multiple family dwellings or any combinations thereof to be located on a single buildable lot provided that the development is managed by an association and offers shared amenities, open space, shared access drives, and/or parking; and
- B. WHEREAS**, these provisions are applicable to properties which are zoned R2, R3, R3A, R4, and OCI and were made in response to changing development and financing approaches that no longer supported the creation of a separate lot for each building proposed; and
- C. WHEREAS**, the City requests an amendment to the Naperville Municipal Code to extend these code allowances to properties which are zoned Transitional Use (TU) District; and
- D. WHEREAS**, the City finds the proposed amendment will result in a more cohesive residential development which permits and encourages a variety of housing types; and
- E. 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
- F. 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: Chapter 1 (General Provisions) of Title 7 (Subdivision Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined 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, no 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 ^[2].

In the ORI zoning district, any lot may contain one or more principal buildings; provided, however, that such lot may not be divided in ownership at any time, or from time to time thereafter, if after such division each resulting lot 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 ^[3].

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, TU, 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 of more than one (1) lot, dedication, vacation, annexation, planned unit development, or plat of survey under the Condominium Act ^[4], 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 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 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.

Scott A. Wehrl
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk