

PIN: 08-28-131-036

ADDRESSES:

320 4th AVENUE, 322 4th AVENUE, 324 4th AVENUE,
326 4th AVENUE, 328 4th AVENUE, 330 4th AVENUE,
332 4th AVENUE, 334 4th AVENUE, 336 4th AVENUE,
331 N LOOMIS STREET, 333 N LOOMIS STREET,
335 N LOOMIS STREET, 337 N LOOMIS STREET
NAPERVILLE, ILLINOIS 60540

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-114

ORDINANCE NO. 24 -

**AN ORDINANCE APPROVING A MINOR CHANGE TO THE CONDITIONAL USE FOR
4TH AND LOOMIS TOWNHOMES APPROVED BY ORDINANCE 21-005 FOR THE
PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 4TH AVENUE AND
NORTH LOOMIS STREET**

RECITALS

1. **WHEREAS**, MMH Construction, 11120 Tuscany Court, Lemont, Illinois, 60439 (“**Petitioner**”) has petitioned the City of Naperville for a minor change to the conditional use for a townhome development as approved by Ordinance 21-005 for property located at 320 4th Avenue, 322 4th Avenue, 324 4th Avenue, 326 4th Avenue, 328 4th Avenue, 330 4th Avenue, 332 4th Avenue, 334 4th Avenue, 336 4th Avenue, 331 N Loomis Street, 333 N Loomis Street, 335 N Loomis Street, and 337 N Loomis Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).

2. **WHEREAS**, 4th & Loomis LTD, 744 N Wells Street, Chicago, Illinois 60654 (“**Owner**”) is the owner of the Subject Property.
3. **WHEREAS**, on January 5, 2021, the City Council of the City of Naperville (“**City**”) approved Ordinance 21-005, approving a conditional use for a single family attached townhome development and variances to Section 6-6C-8:1, Section 6-6C-5:2, and Section 6-6C-7 of the Naperville Municipal Code to allow the development to exceed the permitted maximum height of three stories and forty feet to have a maximum height of three and a half stories and forty two feet one inch, to decrease the required lot area per dwelling unit, and to reduce the required front yard setback and rear yard setback.
4. **WHEREAS**, the building elevations approved per Ordinance 21-005 and attached to this Ordinance as **Exhibit C**, depict each unit having an individual rooftop half story.
5. **WHEREAS**, the Petitioner requests approval of a minor change to the plans approved in accordance with Ordinance 21-005 in order to increase the size of the half story to connect with the adjacent unit as depicted on **Exhibit D** (“**Proposed Elevations**”).
6. **WHEREAS**, the proposed larger half story meets the Naperville Municipal Code definition of a permissible half story.
7. **WHEREAS**, the requested minor change to the approved conditional use meets the Standards for Amending a Conditional Use as provided in **Exhibit E** attached hereto.
8. **WHEREAS**, the City Council has determined that the Petitioner’s requests should be granted 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 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 conditional use as approved by Ordinance 21-005 to change the size of the rooftop half stories on the proposed buildings as depicted in **Exhibit D**, is hereby approved for the Subject Property.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

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

SECTION 6: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk