

PIN: 08-19-315-006

ADDRESS:

**919 S. WASHINGTON STREET
NAPERVILLE, IL 60540**

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**

ORDINANCE NO. 20 - _____

**AN ORDINANCE GRANTING THE
TEMPORARY SUSPENSION OF THE AMPLIFICATION RESTRICTIONS
ESTABLISHED IN ORDINANCE 15-108 TO PERMIT OUTDOOR SERVICES AT
OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH OF NAPERVILLE
(919 S. WASHINGTON STREET)**

1. **WHEREAS**, Jean Jepson, on behalf of Our Saviour's Evangelical Lutheran Church, ("Petitioner"), has petitioned the City of Naperville for approval of a temporary suspension of the amplification restrictions established in Ordinance 15-108 for the property located at 919 S. Washington Street, Naperville, Illinois, legally described on Exhibit A; and
2. **WHEREAS**, per Ordinance 15-108, which approved a minor change to the conditional use approved for the Subject Property through Ordinance 04-065, the use of external speakers and amplifiers is restricted at the Subject Property, as follows; and
 - Our Saviour's shall be eligible to receive a permit to amplify limited to four calendar days per year at the subject property, as follows:

- No more than one of these times shall be for a concert event.
- The remaining amplification shall be related to outdoor worship services.
- All amplification occurring at the subject property shall comply with the time of day and audibility restrictions noted in Section 3-9-3:1.2 (Residential Permit) and Section 3-9-3:2 (Restrictions) of the Naperville Municipal Code.
- The amplification permits related to the concert events shall be processed in accordance with Section 3-9-4:1.1 (City Council Approval Required) of the Naperville Municipal Code.
- The amplification permits related to the outdoor worship services shall be processed in accordance with Section 3-9-3:1.2 (Permit Issuance: Permits Issued by City Clerk). Said request for amplification shall be submitted to the City annually and shall identify the dates of the proposed amplification (as well as rain dates). Our Saviour's shall be required to pay the amplification permit fee per each date selected.
- Our Saviour's must provide advanced notification to all of the adjacent property owners and the City of Naperville of the dates of their amplification events. Our Saviour's must also provide the name and cell phone number of their on-site contact person who either the neighbors or City may contact during an event if there is a problem.
- Amplification during worship services may not exceed one hour, and amplification during other special events may not exceed two hours in duration.
- If at any time the City determines that the conditions of this Ordinance or Section 3-9 (Amplifiers) of the Naperville Municipal Code have not been met during an amplification event, the City Manager shall have the right to revoke said amplification permits or deny future amplification permit requests.

3. **WHEREAS**, the Petitioner has requested a temporary suspension of the amplification restrictions established in Ordinance 15-108 in order to provide outdoor services at the Subject Property between August 2020 and August 2021 given in-person restrictions resulting from COVID-19 as described in **Exhibit B**; and

4. **WHEREAS**, per Section 6-2-11 of the Naperville Municipal Code, the City Council may grant a temporary use for a specified period of time and subject to such conditions as the City Council determines to be appropriate to protect against any potential adverse impact on surrounding properties and for safeguarding the public health, safety and general welfare; and

5. **WHEREAS**, the City Council has determined that the requested temporary use to suspend the amplification restrictions established in Ordinance 15-108 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The amplification restrictions established in Ordinance 15-108 are hereby temporarily suspended from **August 18, 2020 to August 31, 2021** to allow for the following at the subject property:

Outdoor worship services shall be permitted on Sundays from 12 p.m. to 3 p.m. subject to compliance with all local, state, and CDC guidelines for in-person gatherings.

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: The City Clerk is authorized and direct to record this Ordinance with the DuPage County Recorder.

SECTION 5: This Ordinance 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