

PIN: 07-16-101-006

ADDRESS:
2000 NORTH AURORA ROAD
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

ORDINANCE NO. 20 - ____

**AN ORDINANCE AFFIRMING THE APPLICABILITY OF
SECTION 6-2-19 (EXISTING BUILDINGS AND STRUCTURES)
TO THE PROPERTY LOCATED AT 2000 NORTH AURORA ROAD FOLLOWING
ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR NORTH AURORA ROAD**

RECITALS

1. **WHEREAS**, the property located at 2000 North Aurora Road in the City of Naperville, legally described on Exhibit A and depicted on Exhibit B (hereinafter "Subject Property"), is owned by Hanson Exchange LLC, 2000 North Aurora Road, Naperville, IL 60563 (hereinafter "Property Owner"); and
2. **WHEREAS**, the Subject Property is zoned I (Industrial), and at all times has been utilized for industrial uses; and
3. **WHEREAS**, the Subject Property abuts North Aurora Road along its northern property line; and
4. **WHEREAS**, North Aurora Road is a minor arterial roadway and designated truck route with an average daily trip of 21,000 vehicles per day, serving both residents of

Naperville and Aurora, as well as providing access to the Route 59 Metra Station;
and

5. **WHEREAS**, in 2021, the City of Naperville, in conjunction with the Naperville Township Road District, will undertake CIP# SC033 to improve North Aurora Road between Weston Ridge Drive and Frontenac Road (hereinafter “CIP# SC033); and
6. **WHEREAS**, CIP# SC033 will increase roadway capacity by adding one through lane in each direction, thereby reducing congestion; improve safety through the addition of roadway lighting and left turn channelization; add new pedestrian and bicycle facilities to provide access to the Route 59 Metra Station; and improve corridor drainage; and
7. **WHEREAS**, CIP# SC033 necessitates the acquisition of an additional forty-seven feet (47’) of North Aurora Road right-of-way, at its greatest extent, along the frontage of the Subject Property (hereinafter “Acquisition”) as depicted in **Exhibit C** as well as temporary access easements; and
8. **WHEREAS**, per Section 6-8C-7 (Industrial District: Yard Requirements) of the current Naperville Municipal Code (hereinafter “Code”), there shall be a required yard adjacent to each existing or proposed roadway which bounds an individual tract. Such yard shall not be less than twenty feet (20’) in depth; provided, however, that such yard located across a street from a residence district shall in no event be less than one hundred feet (100’) in depth; and
9. **WHEREAS**, per Section 6-8C-7, the city has reviewed the Subject Property and confirms it has a required yard of 100’ adjacent to North Aurora Road; and

10. **WHEREAS**, Section 6-9-2:4.3 of the Code (Off-Street Parking Facilities: Industrial), requires that parking facilities may not be located in the required front yard; and
11. **WHEREAS**, the existing parking lot on the Subject Property is located within the required 100' front yard and has been deemed by the City to be an existing legal non-conforming improvement; and
12. **WHEREAS**, following Acquisition, the parking lot located on the Subject Property will continue to be located within the required 100' yard, in conflict with the Code; and
13. **WHEREAS**, the City affirms that the parking lot will continue to be a legal non-conforming improvement following Acquisition; and
14. **WHEREAS**, Section 6-2-19 (Existing Buildings and Structures) of the Code provides regulations pertaining to the continuance, repair and alteration, restoration, and relocation of existing buildings and structures which do not comply with Code requirements; and
15. **WHEREAS**, the City Council, through this Ordinance, hereby affirms that that regulations provided in Section 6-2-19 of the Code shall be applicable to the Subject Property following Acquisition, as further described below; and
16. **WHEREAS**, as noted in Recital 2 above, the Subject Property is located within the Industrial Zoning District of the City of Naperville; and
17. **WHEREAS**, the current industrial use of the Subject Property has been determined by the City Zoning Administrator to be a permitted use within the Industrial Zoning District of the Naperville Municipal Code.

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: Following Acquisition, the parking lot located on the Subject Property will not comply with the 100' front yard setback required along North Aurora Road. The City Council affirms that Section 6-2-19 (Existing Buildings and Structures) of the Code shall be applicable to the Subject Property following Acquisition, including:

- A. Any building or structure which existed at the time of the adoption of this Title, or any amendment hereto, and which does not comply with yard requirements of the zoning district in which said building or structure is located upon the adoption of this Title, or any amendments hereto, may be continued during the remainder of the normal life of the building or structure or until the building or structure has deteriorated to the extent that it is no longer safe. The continuance of such building or structure shall be subject to the regulations herein set forth.
- B. Repairs and alterations which increase the bulk of the building or structure and which increase the lot coverage may be made to a building or structure which does not comply with the yard requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, yard requirements, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- C. Nothing in this Title shall prevent the reconstruction, repairing or rebuilding of a building, structure or part thereof which does not comply with yard requirements of the zoning district in which said building or structure is located and which exists at the effective date hereof, rendered necessary by wear and tear, or deterioration of which is required by the provisions of the building regulations of the City relative to the maintenance of said buildings or structures, provided the cost of such work, within a two-year time period, shall not exceed fifty percent (50%) of the replacement cost of such building or structure at the time such work is done.

D. If a building or structure which does not comply with yard requirements of the zoning district in which said building or structure is located is damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the building or structure at the time of destruction or damage, then any new construction or reconstruction must comply with all regulations of the zoning district in which the building or structure is located

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 directed to record this Ordinance with the DuPage County Recorder.

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: 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