

PIN: 07-13-431-018

**ADDRESS:
236 SOUTH 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**

PZC Case #19-1-141

ORDINANCE NO. 20- __

**AN ORDINANCE APPROVING A VARIANCE TO
SECTION 6-7D-4 (B4 DOWNTOWN CORE DISTRICT; REQUIRED CONDITIONS) TO
ALLOW AERIAL FITNESS TO OPERATE IN THE FIRST FLOOR TENANT
SPACE OF THE PROPERTY LOCATED AT
236 SOUTH WASHINGTON STREET (AIR AERIAL FITNESS)**

RECITALS

1. **WHEREAS**, 236 S. Washington, LLC ("Petitioner"), has petitioned the City of Naperville for approval of a variance to Section 6-7D-4 (B4 Downtown Core District; Required Conditions) to allow AIR Aerial Fitness to operate a general service use on the first floor of the property located at 236 South Washington Street, Naperville, Illinois, legally described on **Exhibit A** ("Subject Property"); and
2. **WHEREAS**, the owner of the Subject Property is 236 S. Washington, LLC; and
3. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core District) and is improved with a multi-tenant building; and

4. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner is requesting approval of a variance to Section 6-7D-4 (B4 Downtown Core District: Required Conditions) of the Municipal Code in order to allow AIR Aerial Fitness to locate a general service use (fitness facility) on the first floor space at the Subject Property; and
5. **WHEREAS**, the Petitioner proposes to establish a fitness facility at the rear 1st floor tenant space not visible from Washington Street; and
6. **WHEREAS**, the subject tenant space is located adjacent to an alley and is the end unit of a multi-tenant building, and language in the Naperville Downtown 2030 Plan indicates that certain first-floor tenant space in downtown should be considered for general service uses based on their location; and
7. **WHEREAS**, on February 5, 2020, the Planning and Zoning Commission conducted a public hearing to consider the requested variance and recommended approval of the Petitioner's request; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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: A variance to allow for a general service use (fitness facility) to occupy the first-floor space on the Subject Property pursuant to Section 6-7D-4 (B4

Downtown Core District: Required Conditions) of the Municipal Code is hereby approved for AIR Aerial Fitness, subject to the following conditions:

1. The variance shall only apply to the operation of a general service use (fitness studio) by AIR Aerial Fitness.

SECTION 3: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 4: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

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

SECTION 6: 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 7: 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