

ORDINANCE NO. 22 - _____

AN ORDINANCE AMENDING CHAPTER 1 (ZONING TITLE, PURPOSE, DEFINITIONS) AND ARTICLE B (ORI OFFICE, RESEARCH AND LIGHT INDUSTRY DISTRICT) OF CHAPTER 8 (INDUSTRIAL DISTRICTS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

- A. **WHEREAS**, the Naperville Municipal Code establishes permitted uses and conditional uses for each zoning district within the City. Uses which are not identified as permitted or conditional uses are generally prohibited uses in that zoning district.
- B. **WHEREAS**, currently, “Warehouses, storage, and distribution facilities” and “Warehouse, self-storage” are permitted uses in the City’s Industrial Zoning District which uses will continue to be permitted since this District is intended to accommodate industrial activities which are more intensive than light industrial uses.
- C. **WHEREAS**, currently “Warehouse and storage facilities, but excluding motor freight terminals” (not including distribution centers) and “Warehouse, self-storage” are permitted uses in the City’s Office, Research and Light Industry Zoning District (“ORI” Zoning District).
- D. **WHEREAS**, the intent of the ORI Zoning District as set forth in the Naperville Municipal Code is to provide an environment suitable for and limited to research and development activities, engineering and testing activities, office uses, warehousing, and limited manufacturing that will not have an adverse effect upon the environmental quality of the community.
- E. **WHEREAS**, uses within the City’s ORI Zoning District have historically been office related with very few industrial uses. Of the City’s approximately 122 ORI-zoned properties, the majority are office uses. A search of City records found only nine warehouses located in its ORI Zoning District. Eight of them are located along Corporate Lane north of Ferry Road and east of Illinois Route 59; one is located on Diehl Road west of Illinois Route 59.
- F. **WHEREAS**, the new definition of “Warehouse and Storage Facility” as provided herein will specifically allow distribution at such facilities in the ORI Zoning District in addition to warehouse and storage.
- G. **WHEREAS**, warehouses and storage distribution facilities and self-storage warehouses often possess characteristics that can negatively impact surrounding properties, including a significant increase in truck traffic and large off-street

loading areas and truck docks; further, such facilities utilize building types and designs which are distinctly different from existing professional office buildings.

- H. **WHEREAS**, proposed amendments to the provisions of Title 6 (Zoning) of the Naperville Municipal Code were referred for consideration to the City of Naperville Planning and Zoning Commission to consider amending the classification of warehouses and storage facilities and self-storage warehouses in the ORI Zoning District from permitted uses to conditional uses.
- I. **WHEREAS**, designation of warehouses and storage distribution facilities and self-storage warehouses as conditional uses will not prohibit those uses within the ORI Zoning District but will provide an opportunity for review by the Planning and Zoning Commission and City Council in order to: (i) review current and proposed roadway capacities, site access, site location, and anticipated traffic and parking generation to determine if said uses can be adequately supported on the site in question; and to (ii) determine what, if any, conditions (such as additional landscaping, improved building elevations, access restrictions, directional signage, increased setbacks, lighting, and building orientation) should be included with approval of said use to mitigate adverse impacts of the proposed use.
- J. **WHEREAS**, at their January 19, 2022 meeting, the Planning and Zoning Commission conducted a public hearing regarding the proposed amendments to the provisions of the ORI Zoning District and voted to recommend approval (approved 8-0).
- K. **WHEREAS**, for the reasons set forth herein the City Council has determined that it is necessary and appropriate, and in the best interests of the City, that the provisions of the ORI Zoning District in the Naperville Municipal Code be amended to classify warehouses and storage facilities and self-storage warehouses as conditional uses in the ORI Zoning District having found that such classification will not prohibit said uses in the ORI Zoning District, but will provide an additional level of review by the Planning and Zoning Commission and City Council.
- L. **WHEREAS**, warehouses and storage facilities and self-storage warehouses in existence in the City's ORI Zoning District prior to passage of this Ordinance will remain allowed uses within the City subject to the nonconforming use provisions set forth in Chapter 10 (Nonconforming Uses) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code, as amended from time to time.
- M. **WHEREAS**, additional amendments are included herein to define warehouse facilities in Section 6-1-6 and to eliminate uses set forth in Section 6-8B-3 (Conditional Uses in the ORI Zoning District) of the Naperville Municipal Code that have been determined to be redundant with other listed uses or outdated and no longer used. These amendments were also reviewed and approved at the same public hearing conducted regarding the proposed ORI Zoning District text amendments and were approved 8-0 by the Planning and Zoning Commission.

N. **WHEREAS**, for the reasons set forth herein the Naperville City Council has determined in its legislative discretion and pursuant to its authority as a home rule unit of local government under the laws and Constitution of the State of Illinois that it is necessary and appropriate to adopt the amendments to the Naperville Municipal Code set forth 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: Sections 6-1-6, 6-8B-2, and 6-8B-3 of the Zoning Title of the Naperville Municipal Code are hereby amended by adding the underlined language and deleting the ~~stricken~~ language, as follows:

6-1-6: DEFINITIONS:

<u>WAREHOUSE AND STORAGE FACILITY:</u>	<u>A building or structure intended for the storage and distribution of goods and materials, including but not limited to distribution and fulfillment centers.</u>
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6-8B-2: PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Banks and financial institutions.
2. Civic buildings.
3. Engineering and testing laboratories and offices.
4. Laboratories, offices, and other facilities for research and development, including basic, applied, development and technical services conducted by or for any individual, organization, or concern, whether public or private.
5. Low nuisance industrial activities, including, but not limited to, electronic and scientific precision instruments manufacture, cloth products manufacture, light machinery production and assembly, printing and publishing.
6. Offices—Business or professional.
7. Offices/clinics—Medical or dental.

8. Pilot plants in which processes planned for use in production elsewhere can be tested to the extent reasonably necessary for full investigation of the merits of a product or process, including commercial viability.
9. Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability.
10. Warehouses and storage facilities, but excluding motor freight terminals, established prior to (effective date of this Ordinance), may continue to operate subject to compliance with Chapter 10 (Nonconforming Uses) of this Title.
11. Warehouse, self-storage established prior to (effective date of this Ordinance), may continue to operate subject to compliance with Chapter 10 (Nonconforming Uses) of this Title.
12. Fitness facility.
13. Cannabis dispensing organization per Section 6-2-32 of this Title.
14. Sleep clinics.

(Ord. No. 80-5, 1-21-1980; Ord. No. 06-147, 6-20-2006; Ord. No. 08-018, 1-15-2008; Ord. No. 10-073, § 1, 6-15-2010; Ord. No. 13-082, § 4, 8-20-2013; Ord. No. 13-162, § 5, 12-17-2013; Ord. No. 15-190, § 2, 12-1-2015; Ord. No. 20-088, § 6, 8-18-2020)

6-8B-3: CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 34 of this Title, as appropriate:

1. Airports and heliports.
2. Floor area ratio premiums as specified in Subsection 6-8B-8.2 of this Article.
3. Food manufacture, packaging and processing.
4. General retail and services located within one of the permitted uses, including, but not limited to, drugstores, barbershops, beauty shops/salons, dry cleaning establishments, laundries, shoe repair, and tailor shops.
5. Health spas without accommodation/massage establishments.
6. Height limit increase as specified in Subsection 6-8B-8.1 of this Article.
7. Planned unit development. The primary use within a planned unit development shall be one or more of the principal permitted uses, and may include any of the following uses:

7.1. Cultural and recreational facilities, churches, auditoriums and public gathering places, established prior to August 7, 2007. Cultural and recreational facilities, churches, auditoriums and public gathering places established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.

7.2. Eating and drinking establishments.

7.3. Primary and secondary schools that do not have boarding facilities.

7.4. Internet cafes.

8. Public and private utility facilities.

9. Sales and storage of building materials and products.

~~10. Warehousing, receiving and moving van distribution centers.~~

~~11. Telecommunications facilities as required by Chapter 13 of this Title.~~

10. ~~12.~~ Hotels and motels having received approval as a conditional use prior to May 16, 2000; after that date, no new hotels or motels will be allowed as conditional uses in the ORI district.

11. ~~13.~~ Colleges/universities. Colleges and universities established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.

12. ~~14.~~ Full service hotels.

~~15. Full service hotel/conference center.~~

13. ~~16.~~ Vocational and trade schools, established prior to August 7, 2007. Vocational and trade schools established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.

14. ~~17.~~ Nursery schools, preschools, daycare centers and learning centers within a planned unit development or accessory to a permitted use.

15. ~~18.~~ Public assembly uses per Section 6-2-29 of this Title.

16. ~~19.~~ Medical cannabis cultivation center per Section 6-2-29 of this Title.

17. Warehouse and Storage Facilities established after (effective date of this Ordinance).

18. Warehouse, self-storage established after (effective date of this Ordinance).

SECTION 3: 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 or resolution.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this ____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk