

PINs:
07-24-400-001

ADDRESS:
310 MARTIN AVENUE

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 #17-1-019

ORDINANCE NO. 17 - _____

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 5-2C-3
(EXTERIOR WALL CONSTRUCTION) OF TITLE 5 (BUILDING REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 310 MARTIN AVENUE**

WHEREAS, Naperville Elderly Homes Inc. ("Petitioner") has requested approval of a variance from Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code in order to construct a 5-story 68-unit low-income senior apartment building on the property commonly known as 310 Martin Avenue, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is currently zoned OCI (Office Commercial and Institutional District) and improved with 121 low-income senior apartments; and

WHEREAS, the Petitioner proposes to maintain the 121 existing senior apartments on Lot 1 of the Naperville Elderly Homes Subdivision, and to construct 68 new senior apartments on Lot 2 of the Naperville Elderly Homes Subdivision; and

WHEREAS, the Petitioner requests a variance to waive the minimum 50% masonry exterior wall construction requirement for multi-family buildings and instead construct the 5-story 68-unit building with fiber cement siding; and

WHEREAS, on May 17, 2017 the Building Review Board conducted a public hearing concerning BRB Case #93, and recommended approval of the Petitioner's requests; and

WHEREAS, the City Council of the City of Naperville 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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code is hereby granted to allow the building to be constructed with fiber cement siding, as depicted on the Building Elevations attached hereto as **Exhibit C.**

SECTION 3: Any variance other than those approved by this Ordinance shall require approval of a separate variance.

SECTION 4: The variance approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within five (5) years from the effective date of this Ordinance.

SECTION 5: The 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 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk