

PIN: 07-24-200-007

**ADDRESS:
445 AURORA AVENUE
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 #22-1-034

ORDINANCE NO. 22- __

AN ORDINANCE APPROVING A CONDITIONAL USE IN THE OCI (OFFICE, COMMERCIAL AND INSTITUTIONAL) DISTRICT TO ALLOW A SINGLE-FAMILY ATTACHED DWELLING DEVELOPMENT AND VARIANCES TO SECTION 6-7F-5:1, SECTION 5-10-3:5.2.1, SECTION 5-10-3:5.2.4.1, AND SECTION 6-9-2:4.3.1 OF THE NAPERVILLE MUNICIPAL CODE FOR CHARLESTON ROW III

RECITALS

1. **WHEREAS**, Charleston Investments, LLC, 993 E. Ogden Avenue, Naperville, Illinois 60563 ("Petitioner"), as authorized by the Property Owner, has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision, conditional use in the OCI zoning district, and related variances to allow the development of eight (8) single-family attached townhome dwelling units at 445 Aurora Avenue, referred to as the "Charleston Row III" development, and legally described on **Exhibit A** and depicted on **Exhibit B**; and

2. **WHEREAS**, Thomas J. Eganhouse as Trustee of the Thomas J. Eganhouse Trust dated September 24, 1999 as to an undivided 50% interest and Betty A. Eganhouse, as Trustee of the Betty A. Eganhouse Trust dated October 14, 1999, as to an undivided 50% interest, 525 Shady Wood Way, Madison, Wisconsin 53714, owns real property located at 445 Aurora Avenue; and
3. **WHEREAS**, the Subject Property is located on north side of Aurora Avenue east of the intersection of Eagle Street and Aurora Avenue, is zoned OCI (Office, Commercial and Institutional District) and is currently improved a commercial building; and
4. **WHEREAS**, all existing structures will be demolished; and
5. **WHEREAS**, the proposed Charleston Row III development will be comprised of eight (8) single-family attached dwelling units, with five (5) units in the first building and three (3) units in the second building on the Subject Property; and
6. **WHEREAS**, the proposed single-family attached dwelling units in the Charleston Row III development require approval of a conditional use in the OCI District in accordance with Section 6-7F-3 of the Naperville Municipal Code; and
7. **WHEREAS**, the Charleston Row III development requires variances to the following sections of the Naperville Municipal Code: (i) Section 6-7F-5:1 (OCI Area Requirements) to allow for a decrease in the required minimum lot area from 4,000 square feet per dwelling unit to 3,097.5 square feet per dwelling unit to permit a total of eight (8) dwelling units; (ii) Section 5-10-3:5.2.1 (Landscaping and Screening: Perimeter Parking Lot Landscaping Area) to allow for decrease in the width of the landscaping area for parking adjacent to residential from five (5) feet to three (3) feet; (iii) Section 5-10-3:5.2.4.1 (Landscaping and Screening: Perimeter Parking Lot Landscaping Abutting Residential Property) to eliminate the requirement for

installation of a solid wood fence, wall, or comparable barrier for a parking lot adjacent to residential; and, (iv) Section 6-9-2:4.3.1 (Yard Requirements For Off Street Parking Facilities) to reduce the required front yard setback along the south property line from 20 feet to five (5) feet for the guest parking spaces; and

8. **WHEREAS**, on July 20, 2022, the Planning and Zoning Commission conducted a public hearing to consider PZC 22-1-034 and recommended approval of Petitioner's requests; and

9. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's requested conditional use to allow for single-family attached dwellings on the Subject Property in accordance with Section 6-7F-3 of the Naperville Municipal Code meets the Standards for Conditional Uses as provided in **Exhibit C** attached hereto and should be granted subject to the conditions set forth herein; and

10. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto and should be granted subject to the conditions set forth herein; and

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 herein as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: A conditional use to allow eight (8) single-family attached dwelling units on the Subject Property, as depicted on **Exhibit D**, is hereby approved.

SECTION 3: Variances to the Naperville Municipal Code are hereby approved and granted to Petitioner:

- i. Section 6-7F-5:1 (OCI Area Requirements) to allow for a decrease in the required minimum lot area from 4,000 square feet per dwelling unit to 3,097.5 square feet per dwelling unit to permit a total of eight (8) dwelling units;
- ii. Section 5-10-3:5.2.1 (Landscaping and Screening: Perimeter Parking Lot Landscaping Area) to allow for decrease in the width of the landscaping area for parking adjacent to residential from five (5) feet to three (3) feet;
- iii. Section 5-10-3:5.2.4.1 (Landscaping and Screening: Perimeter Parking Lot Landscaping Abutting Residential Property) to eliminate the requirement for installation of a solid wood fence, wall, or comparable barrier for a parking lot adjacent to residential; and
- iv. Section 6-9-2:4.3.1 (Yard Requirements For Off Street Parking Facilities) to reduce the required front yard setback along the south property line from 20 feet to five (5) feet for the guest parking spaces.

SECTION 4: The Conditional Use and variances granted herein shall expire unless within two (2) years from the effective date of this Ordinance a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started.

SECTION 5: The Building Elevations for Charleston Row III, attached to this Ordinance as **Exhibit E**, are hereby approved.

SECTION 6: The Landscape Plan for Charleston Row III, attached to this Ordinance as **Exhibit F**, is hereby approved.

SECTION 7: This Ordinance is subject to the condition that the owner's acceptance and acknowledgement agreement will be processed in accordance with the Preliminary/Final Plat of Subdivision.

SECTION 8: The Variances and Conditional Use granted to the Petitioner herein are subject to revocation by the City for failure of the Petitioner to comply with the conditions set forth herein or 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 9: 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 10: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk