

PINs:
See "Exhibit A"

ADDRESS:
29W771 79th STREET
NAPERVILLE, IL 60564

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 #17-1-094

ORDINANCE NO. 18 - _____

**AN ORDINANCE REZONING THE WORLD MISSIONS SOCIETY CHURCH OF GOD
PROPERTY LOCATED AT 29W771 79th STREET TO
B2 (COMMUNITY SHOPPING CENTER DISTRICT) AND R2 (SINGLE-FAMILY AND
LOW DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT)**

WHEREAS, World Missions Society Church of God is the owner ("Owner") of real property located on the east side of Route 59, south of 79th Street, commonly known as 29W771 79th Street, Naperville, Illinois, which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is presently zoned R-2 (Single-Family Residence District) in unincorporated DuPage County; and

WHEREAS, the Owner is seeking to subdivide the Subject Property into two lots and to rezone the western lot ("Lot 1") to B2 (Community Shopping Center District) and the eastern lot ("Lot 2") to R2 (Single-Family and Low Density Multiple Family Residence District); and

WHEREAS, the Owner currently operates a religious institution on the Subject Property which includes ancillary uses of offices, daycare services, recreational services,

counseling and therapy services, nursery school, and an elementary school on the western lot (Lot 1 upon subdivision) of the Subject Property; and

WHEREAS, the eastern lot of the Subject Property (Lot 2 upon subdivision) is currently used as associated parking lot for the religious institution located on Lot 1; and

WHEREAS, the requested rezoning of the Subject Property meets the Standards for Rezoning as set forth in **Exhibit C** attached hereto; and

WHEREAS, in addition to the described rezoning herein, the Owner has also requested City approval of ordinances approving an annexation agreement, annexation, a preliminary/final subdivision plat, and variances (hereinafter cumulatively referenced as the “World Missions Society Church of God Ordinances”); and

WHEREAS, on December 6, 2017 and March 22, 2018 the Planning and Zoning Commission conducted a public hearing to consider PZC 17-1-094, and at the conclusion of the public hearing on March 22, 2018, recommended approval of the Owner’s request; and

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

SECTION 2: Subject to the terms and conditions set forth herein, Lot 1 of the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to B2 (Community Shopping Center District) in the City of Naperville.

SECTION 3: Subject to the terms and conditions set forth herein, Lot 2 the of Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R2 (Single-Family and Low Density Multiple-Family Residence District) in the City of Naperville.

SECTION 4: Subject to the terms and conditions set forth herein, the Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

SECTION 5: The current nonconforming uses on the Subject Property described in the Recitals above shall be permitted to continue in their current form subject to the nonconforming use provisions of Title 6, Chapter 10 of the Naperville Municipal Code, as amended from time to time and subject to the provisions set forth herein.

SECTION 6: Any request by the current or any future owner of the Subject Property for a variance from the Naperville Municipal Code, for a conditional use, or for rezoning of all or any part of the Subject Property shall require public hearings before the Planning and Zoning Commission and review and final determination by the City Council, as required by the Naperville Municipal Code then in effect.

The nonconforming uses identified herein shall be permitted to continue in their current form so long as the current Owner is in possession of the Subject Property. Any use of the Subject Property by any other person or entity other than the current Owner shall conform with the permitted uses allowed in the zoning districts for the Subject Property as

rezoned herein unless the zoning for Lot 1 and/or Lot 2 is changed in accordance with the provisions of the Naperville Municipal Code then in effect.

SECTION 7: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 8: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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: This Ordinance shall be deemed passed upon approval of the City Council and shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk