

ORDINANCE NO. 21 - _____

AN ORDINANCE AMENDING SECTION 24 (BED AND BREAKFAST ESTABLISHMENTS PROHIBITED) OF CHAPTER 2 (GENERAL ZONING PROVISIONS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

- A. **WHEREAS**, in 1991, the Naperville City Council passed an ordinance prohibiting bed and breakfast establishments from operating within residential districts in the City of Naperville; and
- B. **WHEREAS**, in 1997, this Ordinance as amended to permit the limited expansion and/or enlargement of any bed and breakfast establishment which was a legal nonconforming use established on or before November 10, 1997; and
- C. **WHEREAS**, in 2003, this Ordinance was again amended to permit bed and breakfast establishments as a conditional use in the Transitional Use (TU) zoning district; and
- D. **WHEREAS**, the Harrison House Bed and Breakfast, located at 26 N. Eagle Street and zoned R2, is the only legal nonconforming bed and breakfast establishment located in a residential zoning district in the City of Naperville; and
- E. **WHEREAS**, on December 4, 2020, Sara Tams, owner of the Harrison House Bed and Breakfast, notified the City of her intent to permanently discontinue operation of her bed and breakfast, noting that the last guest checked out of her facility on June 29, 2020; and
- F. **WHEREAS**, per Section 6-10-3 (Nonconforming Uses) of the Naperville Municipal Code, if a nonconforming use is discontinued for a continuous period of six months, it shall not be renewed and any subsequent use of the structure shall conform to the requirements of the underlying zoning district; and
- G. **WHEREAS**, based on the discontinuance of the only legal nonconforming bed and breakfast establishment in a residential zoning district in the City of Naperville, an amendment to Section 6-2-24 (Bed and Breakfast Establishments Prohibited) is hereby proposed to remove all references to the continuation, expansion, and/or enlargement of legal nonconforming bed and breakfast establishments; and
- H. **WHEREAS**, bed and breakfast establishments will continue to be a conditional use in the Transitional Use (TU) zoning district; and

- I. **WHEREAS**, at their January 6, 2021 meeting, the Planning and Zoning Commission conducted a public hearing and recommended approval (vote 6-0) of a proposed amendment to Section 24 (Bed and Breakfast Establishments Prohibited) of Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Ordinance); and
- J. **WHEREAS**, the Naperville City Council has determined that it is appropriate to adopt the amendments regarding bed and breakfast establishments 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 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: Section 24 (Bed and Breakfast Establishments Prohibited) of Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Regulations) of the Naperville Municipal Code is hereby amended by deleting the ~~stricken~~ language, as follows:

CHAPTER 2 - GENERAL ZONING PROVISIONS

SECTION:

6-2-24: - BED AND BREAKFAST ESTABLISHMENTS PROHIBITED:

It shall be illegal to operate a bed and breakfast establishment in any residential zoning district or on any property zoned for a residential use except as allowed for within the provisions of the transitional use district. ~~Notwithstanding said prohibition and the restrictions on expansion and enlargement as set forth in Section 6-10-3 of this Title, bed and breakfast establishments which are legal nonconforming uses on or before November 10, 1997, may be expanded and/or enlarged subject to all of the following conditions:~~

- ~~1. The expansion and/or enlargement is typical of an improvement to a single family residential structure;~~
- ~~2. The total number of guestrooms is not increased;~~
- ~~3. The expansion and/or enlargement constitutes no more than a five percent (5%) increase in the gross floor area of the principal structure in existence either:
 - ~~3.1. At the time the property on which the structure is located was annexed to the City, or~~
 - ~~3.2. At the time the structure was established as a nonconforming use;~~~~

4. ~~The expansion and/or enlargement complies with the height, bulk and setback requirements for the zoning district, in which the bed and breakfast is located.~~

SECTION 3: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this ____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk