

**PINs:
07-24-204-024
07-24-204-001**

**ADDRESSES:
514 S. MAIN STREET, NAPERVILLE, ILLINOIS 60540
24 & 30 W AURORA AVENUE, NAPERVILLE, ILLINOIS 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 #18-1-062

ORDINANCE NO. 18 -

**AN ORDINANCE APPROVING A CONDITIONAL USE IN THE R2 (SINGLE-FAMILY AND LOW-DENSITY MULTIPLE-FAMILY RESIDENCE) DISTRICT TO ALLOW A TOWNHOME DEVELOPMENT AND VARIANCES TO SECTION 6-6C-8, SECTION 6-6C-5, AND SECTION 6-6C-7 OF THE NAPERVILLE MUNICIPAL CODE
FOR CHARLESTON ROW II**

WHEREAS, Charleston Aurora, LLC, an Illinois limited liability company with its principal office located at 720 Wellner Road, Naperville, IL, owns property located at 24 & 30 W. Aurora Avenue, Naperville, IL 60540 (PIN 07-24-204-001); and

WHEREAS, Elizabeth Barnhart, 514 S. Main Street, Naperville, Illinois 60540, owns property located at 514 S. Main Street, Aurora Avenue, Naperville, IL 60540 (PIN 07-24-204-024); and

WHEREAS, the properties owned by Charleston Aurora, LLC and Elizabeth Barnhart (cumulatively referenced herein as the “Subject Property”) are located at the southeast corner of Aurora Avenue and Main Street and are legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, Charleston Row II LLC, Petitioner, has petitioned the City of Naperville for approval of a conditional use in the R2 zoning district to allow the development of eight (8) single-family attached townhome dwelling units on the Subject Property in accordance with Section 6-6C-3 of the Naperville Municipal Code; variances to the following sections of the Naperville Municipal Code: (i) Section 6-6C-8 (Height Limitations/Bulk Regulations) to allow the development to exceed the permitted maximum height of three (3) stories and forty feet (40’) by having a height of three and a half (3½) stories and forty-two feet two inches (42’2”); (ii) Section 6-6C-5 (Area Requirements) to allow for a decrease in the required minimum lot area from 4,000 square feet per dwelling unit to 3,307 square feet per dwelling unit to permit a total of 8 dwelling units; and, (iii) Section 6-6C-7 (Yard Requirements) to reduce the required rear yard setback along the south property line from 25 feet to 10 feet; and abrogation of the twenty-five foot building line established for 514 S. Main Street in accordance with Doc. R2005-054551; and

WHEREAS, on September 5, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-062 to consider the Petitioner’s requests for the Subject Property, and recommended approval of Petitioner’s requests; and

WHEREAS, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested conditional use to allow for a townhome development on the Subject Property in accordance with Section 6-6C-3 of the Naperville Municipal Code meets the Standards for Conditional Uses as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council finds that, subject to the terms and conditions set forth and referenced herein, the requested variances to Sections 6-6C-8, 6-6C-5, and 6-6C-7 of the Naperville Municipal Code meet the Standards for Granting a Zoning Variance for the Subject Property as provided in **Exhibit D** attached hereto; and

WHEREAS, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that a conditional use in the R2 (Single-Family and Low Density Multiple-Family Residence) zoning district, and the variances specified above should be approved for the Subject Property.

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 an eight (8) unit townhome development on the Subject Property, as depicted on **Exhibit E**, is hereby approved.

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

- i. Section 6-6C-8 (Height Limitations/Bulk Regulations) to allow the development to exceed the permitted maximum permitted height of three (3) stories and forty feet (40') by having a height of three and a half (3½) stories and forty-two feet two inches (42'2");
- ii. Section 6-6C-5 (Area Requirements) to allow for a decrease in the required minimum lot area from 4,000 square feet per dwelling unit to 3,307 square

feet per dwelling unit to permit a maximum of 8 dwelling units on the Subject Property; and,

- iii. Section 6-6C-7 (Yard Requirements) to reduce the required rear yard setback along the south property line from 25 feet to 10 feet.

SECTION 4: The Building Elevations for Charleston Row II, attached to this Ordinance as **Exhibit F**, are hereby approved.

SECTION 5: The Preliminary Landscape Plan for Charleston Row II, attached to this Ordinance as **Exhibit G**, is hereby approved.

SECTION 6: This Ordinance is subject to all conditions and requirements set forth in Title 6 (Zoning) of the Naperville Municipal Code, as amended from time to time, and to all supporting documents and exhibits contained as a part of the record of the public hearing before the Planning and Zoning Commission.

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 and its Exhibits 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 in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk