

PIN:

01-09-306-023

ADDRESS:

3540 248TH AVENUE
NAPERVILLE, ILLINOIS 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 #20-1-052

ORDINANCE NO. 21 -

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR A RELIGIOUS FACILITY
AND AN OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT
FOR THE ISLAMIC CENTER OF NAPERVILLE – 248TH AVENUE**

RECITALS

1. **WHEREAS**, the Islamic Center of Naperville (“**ICN**”), 2844 W. Ogden Avenue, Naperville, IL 60540 (“**Owner**” or “**Petitioner**”) has petitioned the City of Naperville for approval of a conditional use for a religious facility comprised of a mosque, school, multi-purpose hall, and gymnasium (the “**ICN Development**”) to be built in phases (“**Phases**”) potentially over the next forty years for real property located at 3540 248th Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** (the “**Subject Property**”); and
2. **WHEREAS**, the Subject Property is zoned R1 (Low Density Single-Family Residence District) and is comprised of approximately 13.36 acres; and

3. **WHEREAS**, the City's Planning and Zoning Commission ("**PZC**") conducted a public hearing regarding the ICN Development on the following dates: January 20, 2021; February 3, 2021; February 17, 2021; March 3, 2021; April 8, 2021; April 21, 2021; May 5, 2021; May 20, 2021; June 2, 2021; June 16, 2021; July 7, 2021; August 4, 2021; August 18, 2021; September 1, 2021; and, October 6, 2021; and
4. **WHEREAS**, at its meeting held on October 6, 2021 the PZC adopted the findings of fact presented by city staff and the Petitioner and recommended approval of Petitioner's requested conditional use for a religious facility subject to the conditions outlined in the October 6, 2021 PZC staff report and amended during the meeting (approved 6-1); and
5. **WHEREAS**, on October 6, 2021, the PZC recommended denial of Petitioner's requested fence variance along the Subject Property's north property line (denied 0-7); and
6. **WHEREAS**, following the October 6, 2021 PZC meeting, the Petitioner withdrew the fence variance request and agreed to construct a fence along the north property line in accordance with Section 5-10-3:5.2.4.1 of the Naperville Municipal Code; and
7. **WHEREAS**, following the PZC hearing, an Owner's Acknowledgement and Acceptance Agreement (attached hereto as **Exhibit C**) was prepared which includes the conditions recommended by the PZC plus three additional conditions related to parking, a parking buffer along the Subject Property's south property line, and use of the multi-purpose hall and gymnasium; and
8. **WHEREAS**, the City Council finds that, subject to the provisions of this ordinance and the terms and conditions set forth and referenced in the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit C**, the ICN Development meets the standards for conditional use approval as provided herein and in **Exhibit D**

(“**Conditional Use Findings**”) attached hereto, and the requested conditional use should be approved for the Subject Property as provided and referenced 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 herein as though fully set forth in this Section 1. All Exhibits and Attachments referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: A conditional use for a religious facility to be built on the Subject Property pursuant to Section 6-6L-3 (R1 District: Conditional Uses) of the Naperville Municipal Code, which facility may be constructed in Phases as depicted on **Exhibit E** (“**Phasing Plan**”), is hereby granted subject to the terms and conditions set forth and referenced herein and in the Owner’s Acknowledgement and Acceptance Agreement.

SECTION 3: The Owner’s Acknowledgement and Acceptance Agreement pertaining to the ICN Development attached to this Ordinance as **Exhibit C** is hereby approved, including but not limited to the following plans and studies which are Attachments thereto:

- i. Attachment 3 – Phasing Plan
- ii. Attachment 4 – Phase 1 Plan
- iii. Attachment 5 – Building Elevations
- iv. Attachment 6 – School Drop-off Plan
- v. Attachment 8 – Parking Study
- vi. Attachment 9 – Preliminary Landscape Plan

SECTION 4: The City Manager is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest, the Owner’s Acknowledgment and Acceptance Agreement attached hereto as **Exhibit C**.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the Will County Recorder.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held by any court of competent jurisdiction 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 7: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk