



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 11/11/2020      **In control:** City Council

**On agenda:** 11/17/2020      **Final action:** 11/17/2020

**Title:** Pass the ordinance amending various chapters of Title 5 (Building Regulations), Title 6 (Zoning Regulations) and Title 7 (Subdivision Regulations) of the Naperville Municipal Code regarding developments including duplexes, single-family attached dwellings, multiple family dwellings or any combination thereof (PZC 20-1-089)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Public Commentary, 3. PZC Meeting Minutes 10-21-20 DRAFT

| Date       | Ver. | Action By    | Action | Result |
|------------|------|--------------|--------|--------|
| 11/17/2020 | 1    | City Council | passed | Pass   |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance amending various chapters of Title 5 (Building Regulations), Title 6 (Zoning Regulations) and Title 7 (Subdivision Regulations) of the Naperville Municipal Code regarding developments including duplexes, single-family attached dwellings, multiple family dwellings or any combination thereof (PZC 20-1-089)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) conducted the public hearing for PZC 20-1-089 on October 21, 2020. Following three public speakers and discussion, the PZC closed the public hearing and unanimously recommended approval of PZC 20-1-089 (6-0).

**BACKGROUND:**

In 2015, the Naperville Municipal Code was amended to permit multiple townhome and/or multi-family buildings to be located on a single buildable lot. This amendment was made in response to a change in development and financing approaches that no longer supported the creation of a separate lot for each building proposed. The code was further amended at that time to indicate that in instances where multiple buildings would be located on a single-lot, the applicable setbacks would be measured from the perimeter of the overall property provided that at least 12' of separation would also be provided between buildings. Since adoption, this lot/setback approach has been applied to residential developments such as Charleston Row, Sedgwick and Heritage Place.

In conjunction with a development request submitted for the property located at 4<sup>th</sup> & Loomis Street (PZC 20-1-075), the applicant, Bridge Street Properties, LLC, requested a text amendment to extend the above code allowances to duplex units. The request to initiate the text amendment was approved by the Planning and Zoning Commission on September 16, 2020.

The City Council conducted the first reading of the proposed ordinance on November 4, 2020.

### **DISCUSSION:**

It is important to note that the proposed amendment has no impact on the underlying uses listed in each zoning district today; no changes are proposed to any existing permitted or conditional uses. The proposed text amendment seeks to:

- 1. Modify the existing code allowances to permit multiple buildings to be built on a single lot provided that the development is managed by an association and offers shared amenities, open space, access, and/or parking.** This criterion helps to ensure that the development benefitting from this code allowance is comprehensively planned and managed long-term.
- 2. Extend these code allowances to duplex units.** As noted above, these code allowances are currently limited to townhomes and multi-family. It should be noted that Heritage Place originally considered the inclusion of some duplex units; however, these units were changed to townhome units based on the limitations of the existing code language. Staff finds that mixed-residential developments are beneficial to the surrounding neighborhood and its future residents; staff finds that the current ordinance disincentivizes a mixed-use residential development which would include duplex units.
- 3. Extend these code allowances to the OCI zoning district.** As currently written, the code allowances permitting multiple residential buildings to be located on a single lot are applicable to the R2, R3, R3A, and R4 zoning districts. Staff finds it appropriate to extend the same allowances to the OCI zoning district, as townhomes and multi-family units are also permitted as conditional uses in this zoning district.
- 4. Eliminate the application of the teardown/infill lot coverage and height requirements to duplex units built under this development approach.** The City's teardown/infill regulations are intended to apply to standalone duplex units built within an existing street/neighborhood. However, as written, these requirements would also be applicable to a larger development including duplex units.

If duplexes are proposed in a comprehensive redevelopment project, it is not practical to apply the lot coverage regulations as there are no individual lots from which to measure compliance. In addition, if multiple residential types are proposed (i.e., duplexes and townhomes), the teardown/infill lot coverage and height regulations would only be applicable to the duplexes proposed for the development (and not the townhomes). Staff finds that the current ordinance restrictions serve as a disincentive to include duplex units based on the fact that additional regulations are applicable to those units and not townhomes or multi-family.

- 5. Continue to require duplex units built under this development approach, as well as all townhomes and multi-family units, to comply with the City's 50% masonry requirements.**

However, **eliminate the requirement that standalone teardown/infill duplexes comply with the 50% masonry requirement**, as this requirement is often inconsistent with the single-family teardown designs built in the same neighborhoods and on adjacent lots.

- 6. Standardize the minimum lot size per unit for a duplex, townhome, and/or multi-family residential development built under this development approach.** In the R2 district, for example, a duplex unit can be built on a 6,000 square foot lot or greater (i.e., 3,000 square foot minimum per unit). However, a townhome unit in the R2 district requires at least 4,000 square feet per unit. If a development were to be proposed in the R2 district that includes multiple duplex and townhome buildings on a single lot, it is impractical to apply different minimum lot sizes to each building type (particularly as all buildings are located on a single-lot). Therefore, a standardized minimum lot size of 4,000 square feet per dwelling unit is proposed for any residential dwelling type built in in the R2 or R3 districts in accordance with this development approach.

The impact of the proposed lot size standardization is more significant in the R3, R4, and OCI zoning districts. In these districts today, a minimum of 4,000 square feet per unit is required for a townhome vs. a minimum of 2,600 square feet per unit required for multi-family in the R3 and OCI districts (and 2,150 square feet per unit in the R4 district). For developments built under the proposed single-lot development approach, staff is proposing to apply a minimum of 3,300 square feet to any residential unit type included (duplexes, townhomes and/or multi-family) because, as noted above, it would be impractical to apply different minimum lot sizes to each building type included on a single-lot. In addition, staff also finds that the code currently disincentivizes townhomes vs. multi-family, as the lot area required for multi-family units is currently much smaller, thereby permitting more multi-family units by right as compared to townhome units. Staff finds that the proposed blended lot size minimum offers a reasonable and fair approach for determining allowable density in a mixed-use residential development.

### ***Planning and Zoning Commission Review***

The PZC opened the public hearing for PZC 20-1-089 on October 21, 2020. Following staff's presentation, there were three public speakers, as provided in the attached draft meeting minutes. One speaker was supportive of the amendment as proposed. The remaining two speakers were supportive of some components of the proposed amendment, while concerned about others (i.e., allowable height and density, for example). At the conclusion of the public comment and discussion, the PZC closed the public hearing and unanimously recommended approval of PZC 20-1-089 as presented (6-0).

### ***Conclusion***

An ordinance reflecting the above changes is attached. The proposed code language is underlined; the deleted language is ~~stricken~~. Staff is supportive of the proposed changes finding that they will result in a more cohesive overall development which permits and encourages a variety of residential housing types.

### **FISCAL IMPACT:**

N/A