



## Legislation Details (With Text)

**File #:** 21-0052      **Version:** 1

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

**File created:** 1/7/2021      **In control:** City Council

**On agenda:** 1/19/2021      **Final action:** 1/19/2021

**Title:** Waive the first reading and pass an ordinance amending Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Ordinance) regarding Bed and Breakfast Establishments (PZC 20-1-123) (requires 6 positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. PZC Meeting Minutes 1-6-21 DRAFT

Date	Ver.	Action By	Action	Result
1/19/2021	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Waive the first reading and pass an ordinance amending Chapter 2 (General Zoning Provisions) of Title 6 (Zoning Ordinance) regarding Bed and Breakfast Establishments (PZC 20-1-123) (requires 6 positive votes)

**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 on PZC 20-1-123 on January 6, 2021. There were no public speakers on this item. Following limited discussion, the PZC recommended approval of the text amendment as proposed (vote 6-0). Staff concurs.

#### **BACKGROUND:**

In 1991, the City Council passed an ordinance prohibiting bed and breakfast establishments from operating within residential zoning districts in the City of Naperville. In 1997, this ordinance was amended to permit the limited expansion and/or enlargement of bed and breakfast establishments which are legal nonconforming uses established on or before November 10, 1997. In 2003, this ordinance was again amended to permit bed and breakfast establishments as a conditional use in the Transitional Use (TU) zoning district.

#### **DISCUSSION:**

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. On December 4, 2020, Sara Tams, owner of the Harrison House Bed and Breakfast,

notified the City of her intent to permanently discontinue operation, noting that the last guest checked out of the establishment on June 29, 2020. Ms. Tams stated that the structure will be utilized as a single-family home.

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. Based on these provisions, as well as the provisions of Section 6-2-24 (Bed and Breakfast Establishments Prohibited), Ms. Tams has indicated her understanding that the structure located at 26 N. Eagle cannot be utilized as a bed and breakfast again at any point in the future.

Based on the discontinuance of the only legal nonconforming bed and breakfast establishment in a residential zoning district in the City of Naperville, staff recommends that Section 6-2-24 (Bed and Breakfast Establishments Prohibited) be amended to remove all references to the continuation, expansion, and/or enlargement of legal nonconforming bed and breakfast establishments, as proposed in the attached amended code language.

Bed and Breakfast Establishments will continue to be listed as a conditional use in the TU zoning district.

***Recommendation to Waive the First Reading***

Staff is recommending that the City Council waive the first reading and pass the ordinance (note: waiving the first reading requires 6 positive votes); this request is being made since the proposed amendment is not extensive and was unanimously supported by the PZC and staff.

**FISCAL IMPACT:**

N/A