

## Legislation Text

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File #: 20-916, Version: 1

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance granting a temporary use to allow for outdoor services at Our Saviour's Evangelical Lutheran Church at 919 S. Washington Street.

**DEPARTMENT:** Transportation, Engineering and Development

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

#### **BOARD/COMMISSION REVIEW:**

Not required.

#### **BACKGROUND:**

In April 2004, City Council passed Ordinance 04-065, which approved a major change to the conditional use for Our Saviour's Evangelical Lutheran Church of Naperville located at 919 S. Washington Street to allow for the demolition of the existing buildings located on the subject property and construction of a new 37,560 sq.ft. religious institution. Based on neighborhood concerns raised during the processing of this case, largely related to the potential for on-site wedding receptions, Ordinance 04-065 included a condition "that no external speaker systems or amplifiers shall be utilized at the Subject Property".

In 2015, Our Saviour's Lutheran Church requested an amendment to Ordinance 04-065 to remove the restriction prohibiting external speaker systems/amplifiers at the subject property. Following review of the requested change, City Council approved Ordinance 15-108 to allow for amplification on the subject property as follows:

- Our Saviour's shall be eligible to receive a permit to amplify limited to four calendar days per year at the subject property, as follows:
  - No more than one of these times shall be for a concert event.
  - The remaining amplification shall be related to outdoor worship services.
- All amplification occurring at the subject property shall comply with the time of day and audibility restrictions noted in Section 3-9-3:1.2 (Residential Permit) and Section 3-9-3:2 (Restrictions) of the Naperville Municipal Code.
- The amplification permits related to the concert events shall be processed in accordance with Section 3-9-4:1.1 (City Council Approval Required) of the Naperville Municipal Code.
- The amplification permits related to the outdoor worship services shall be processed in accordance with Section 3-9-3:1.2 (Permit Issuance: Permits Issued by City Clerk). Said request for amplification shall be submitted to the City annually and shall identify the dates of the proposed amplification (as well as rain dates). Our Saviour's shall be required to pay the

amplification permit fee per each date selected.

- Our Saviour's must provide advanced notification to all of the adjacent property owners and the City of Naperville of the dates of their amplification events. Our Saviour's must also provide the name and cell phone number of their on-site contact person who either the neighbors or City may contact during an event if there is a problem.
- Amplification during worship services may not exceed one hour, and amplification during other special events may not exceed two hours in duration.
- If at any time the City determines that the conditions of this Ordinance or Section 3-9 (Amplifiers) of the Naperville Municipal Code have not been met during an amplification event, the City Manager shall have the right to revoke said amplification permits or deny future amplification permit requests.

### **DISCUSSION:**

Jean Jepson, Director of Administration at Our Saviour's Church, has submitted a request to temporarily suspend the amplification limitations established in Ordinance 15-108 based on COVID-19 restrictions. Specifically, Our Saviour's is seeking City Council approval of the following for 919 S. Washington Street:

- Permission for one year, from August 2020 to August 2021, to hold outdoor workshop services on Sundays from 12 p.m. to 3 p.m.

The services will be held weather permitting and will comply with all local, state and CDC guidelines for in-person gatherings. The attached presentation, as prepared by Our Saviour's, provides additional information about the proposed services and where they will be held on the subject property.

It should be noted that, while not required by Code, the petitioner has notified surrounding property owners of this temporary use request and that it will be considered by the City Council on August 18, 2020. It should also be noted that the City Clerk's Office has been administratively approving amplification requests for outdoor services for many religious institutions Citywide; however, due to the restrictions of Ordinance 15-108, such request for the subject property cannot be administratively approved and instead requires City Council review and approval.

### ***Temporary Use***

Per Section 6-2-11 of the Naperville Municipal Code, the City Council may approve a temporary use for a specified period of time and subject to such conditions as the City Council determines to be appropriate to protect against any potential adverse impact on surrounding properties and for safeguarding the public health, safety and general welfare.

### **FISCAL IMPACT:**

None