

PIN: 07-13-418-017

ADDRESS:  
55 S. MAIN STREET  
NAPERVILLE, IL 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 #18-1-106

**ORDINANCE NO. 18- \_\_**

**AN ORDINANCE APPROVING A MAJOR CHANGE TO  
A PLANNED UNIT DEVELOPMENT TO PERMIT A DEVIATION  
FOR 55 S MAIN STREET (MAIN STREET PROMENADE)**

**WHEREAS**, Chicago SMSA LP d/b/a Verizon Wireless ("Petitioner"), has petitioned the City of Naperville for approval of a major change to the Main Street Promenade PUD to permit a deviation to allow for a roof mounted antenna at 55 S. Main Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, RPAI Naperville Main LLC, is the owner of the Subject Property; and

**WHEREAS**, the Subject Property is currently zoned B4 PUD (Downtown Core District Planned Unit Development) and is currently improved with a commercial building; and

**WHEREAS**, per Section 6-13-8.2 (Planned Unit Development: New Communication Facilities), a deviation request requires approval of a major change to the PUD; and

**WHEREAS**, the Petitioner has requested approval of a deviation to allow for a roof mounted antenna to be located approximately 35' from the northern property line on the Subject Property; and

**WHEREAS**, per Section 6-13-10:5.2. (General Requirements: Setbacks), an antenna must be located 100' from any property line that is adjacent to a residential zoning district or a residential use; and

**WHEREAS**, the property to the north, 180 W. Benton Avenue (commonly known as Benton Terrace) is a condominium, therefore, the proposed antenna requires a deviation; and

**WHEREAS**, on October 17, 2018, the Planning and Zoning Commission conducted a public hearing to consider the requested major change to the PUD to establish a deviation, and recommended approval of the Petitioner's requests; and

**WHEREAS**, the City Council has determined that the Petitioner's request meets the standards as provided in **Exhibit C** attached hereto and should be granted as provided 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 as though fully set forth here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A major change to the Main Street Promenade Planned Unit Development for the establishment of a deviation from Section 6-13-10:5.2. (General Requirements: Setbacks) to permit a roof mounted antenna 35' from the northern property

line as depicted on the Site Plan attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** The deviation approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

**SECTION 4:** This deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** 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 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk