

PIN:

08-07-413-036

PROPERTY ADDRESS:

634 E. OGDEN AVENUE
NAPERVILLE, IL 60563

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
630-420-4170

WHEN RECORDED

RETURN TO:

CITY CLERK
CITY OF NAPERVILLE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 24 _____

AN ORDINANCE GRANTING A VARIANCE TO ZSRM INC. D/B/A PEPE'S MEXICAN RESTAURANT AND LA CANTINA PURSUANT TO SECTION 3-3-6 OF CHAPTER THREE (LIQUOR AND TOBACCO CONTROL) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PREMISES AT 634 E. OGDEN AVENUE

WHEREAS, ZSRM Inc. ("Petitioner"), has petitioned the City of Naperville for approval of a variance from Section 3-3-11:1 (On-premises consumption liquor licenses) to permit the issuance of a Class C – Tavern liquor license for a premise with less than 60,000 square feet; and

WHEREAS, a tavern has been operational for numerous years at 634 E. Odgen Avenue; and

WHEREAS, the Petitioner operated a liquor license establishment located at 1270 E. Chicago Avenue, which was in good standing prior to its closure and without any liquor violations; and

WHEREAS, the Petitioner seeks to relocate and operate of a portion of its prior establishment under a Class C – Tavern liquor license; and

WHEREAS, Chapter 3 (Liquor and Tobacco Control) of the Naperville Municipal Code was repealed and replaced on September 6, 2016, and the amended Chapter 3 (Liquor and Tobacco Control) created a procedure for processing variances to liquor license requirements; and

WHEREAS, the variance requested is in harmony with the general purpose and intent of Chapter 3 (Liquor and Tobacco Control) of the Naperville Municipal Code; and

WHEREAS, strict enforcement of Section 3-3-11:1 (On-premises consumption liquor licenses) Class C – Tavern would result in practical difficulties due to the special circumstances; and

WHEREAS, the variance would not alter the essential character of the liquor establishment or underlying liquor license requirements and will not be a substantial detriment to adjacent property; and

WHEREAS, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority as follows:

SECTION 1: The Recitals above are incorporated herein and made part hereof as fully set forth in this Section 1.

SECTION 2: A variance to Section 3-3-11:1 (On-premises consumption liquor licenses) to permit the issuance of a Class C – Tavern liquor license for a premise less than 60,000 square feet to ZSRM Inc. at 634 E. Ogden Avenue, is hereby granted.

SECTION 3: The variance 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 4: The variance shall be subject to the transferability restrictions in Section 3-3-5 which states that any sale, transfer or assignment of more than fifty percent (50%) of the shares of a corporation shall terminate said liquor license for the purpose of payment of a fee for a first and initial liquor license; said variance shall become null and void upon suspension, revocation, or non-renewal of the liquor license.

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

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

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn Portner
City Clerk