

PIN: 07-13-426-009

ADDRESS:  
415 JACKSON AVE  
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 #22-1-094

ORDINANCE NO. 23 - \_\_\_\_\_

AN ORDINANCE GRANTING A SETBACK VARIANCE  
FROM SECTION 6-7E-7 OF THE NAPERVILLE MUNICIPAL CODE  
FOR RIVERWALK PLACE

RECITALS

1. **WHEREAS**, Randy Mueller of Mikols Construction ("**Petitioner**") has petitioned the City of Naperville for a front yard setback variance at the real property located at 415 Jackson Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Mandel and Associates, Inc. ("**Owner**") is the Owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is currently improved with a single-story office building and a parking lot ("**Existing Improvements**"); and
4. **WHEREAS**, the Petitioner intends to demolish the Existing Improvements and construct a four (4) story multi-family residential building with six (6) condominium units ("**Subject Building**") on the Subject Property; and

5. **WHEREAS**, due to the requirement for a public utilities and drainage easement and the significant grade changes on the Subject Property, the Petitioner plans to construct the Subject Building two feet from the property line along Jackson Avenue, encroaching three feet into the required five foot front yard setback requirement in B5; and
6. **WHEREAS**, with the authorization of the Owner, the Petitioner requests approval of a variance to Section 6-7E-7 (B5 District: Yard Requirements) of the Naperville Municipal Code to reduce the required front yard setback along Jackson Avenue from five feet to two feet; and
7. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, on March 15, 2023, the Planning and Zoning Commission considered the requested setback variance and recommended approval of the Petitioner's request; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance from Section 6-7E-7 (B5 District: Yard Requirements) of the Naperville Municipal Code to reduce the front yard setback requirement on Jackson

Avenue from 5 feet to 2 feet, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 3:** The variance 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 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 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** If this Ordinance is not recorded with the DuPage County Recorder within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

**SECTION 7:** 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. Technical and minor substantive revisions as deemed acceptable to the City

Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 8:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk