

**PINS:  
07-13-110-004  
07-13-100-003**

**ADDRESSES:  
601 W 5TH AVENUE  
NAPERVILLE, ILLINOIS 60563**

**595 W 5TH AVENUE  
NAPERVILLE, ILLINOIS 60563**

**PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540  
630/420-4170**

**RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540**

**PZC Case # DEV-0166-2025**

**ORDINANCE NO. 26 -**

**AN ORDINANCE GRANTING VARIANCES TO SECTION 5-10-3:4.3.2 (LANDSCAPING AND SCREENING/PERIMETER LANDSCAPING), SECTION 5-10-3:5.2.4 (LANDSCAPING AND SCREENING/PARKING LOT LANDSCAPING), AND SECTION 6-6E-7 (R3/YARD REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 601 W 5<sup>TH</sup> AVE. AND 595 W 5<sup>TH</sup> AVE. (NAPERVILLE CUSD 203 TRANSPORTATION BUILDING)**

**RECITALS**

1. **WHEREAS**, Naperville CUSD 203, 203 W. Hillside Road, Naperville, IL 60540 is the owner (hereinafter "**Petitioner**" and "**Owner**") of real property located at 601 W 5<sup>TH</sup> Avenue and 595 W 5<sup>TH</sup> Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), and has petitioned the City of Naperville for approval of variances to construct a new transportation facility on the Subject Property.

2. **WHEREAS**, the Subject Property is zoned R3 (Medium Density Multiple-Family Residence District).
3. **WHEREAS**, the Subject Property was part of the preliminary 1980 M.O.V.-Ross Joint Venture PUD approved by Ordinance 80-037 in 1980; however, unlike adjacent properties including Windscape Village, no final planned unit development (PUD) plat has been found for the Subject Property, therefore it has been determined that there is no PUD applicable to the Subject Property.
4. **WHEREAS**, the Owner's proposed improvements include demolishing the existing bus garage, reconfiguring the parking lot to accommodate the entire bus fleet, and constructing an approximately 12,400-square-foot transportation building and surface parking area for 146 staff and visitors.
5. **WHEREAS**, the Owner seeks approval of variances to the following sections of the Naperville Municipal Code:
  - i. Sections 5-10-3:4.3.2 and 5-10-3:5.2.4 of the Naperville Municipal Code ("Code") to eliminate the fencing/buffering requirement along the north property line as depicted on **Exhibit C** ("**Site Plan**").
  - ii. Section 6-6E-7 of the Code to eliminate the required 15 ft. interior side yard along the shared property line, east of the transportation building, as depicted on **Exhibit C** ("**Site Plan**").
6. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit D** attached hereto.

7. **WHEREAS**, on April 15, 2026, the City’s Planning and Zoning Commission conducted a public hearing regarding the Petitioner’s requests and recommended approval of the Petitioner’s requests.
8. **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 to Sections 5-10-3:4.3.2 and 5-10-3:5.2.4 of the Naperville Municipal Code (“Code”) to eliminate the fencing/buffering requirement along the Subject Property’s north property line as depicted on **Exhibit C** (“**Site Plan**”) is hereby approved subject to the following condition:

- a. The Owner shall be required to install a continuous, six-foot fence and/or additional landscaping along the north property line if the existing six-foot fence that is owned by the Windscape of Naperville Apartments is ever removed to ensure adequate screening continues to be provided in the future.

**SECTION 3:** A variance to Section 6-6E-7 of the Naperville Municipal Code to eliminate the required 15 ft. interior side yard along the shared property line, east of the transportation building, as depicted on **Exhibit C** (“**Site Plan**”) is hereby approved.

**SECTION 4:** The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 5:** The Landscape Plan, attached to this Ordinance as **Exhibit E**, is hereby approved.

**SECTION 6:** The variances approved by this Ordinance shall expire two (2) years from the effective date of this Ordinance unless: (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 7:** The variances approved by this Ordinance 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 8:** 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 9:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 10:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Scott A. Wehrli  
Mayor

ATTEST:

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Dawn C. Portner  
City Clerk