

PIN: 07-13-417-017

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**

**BRB Case #102**

**ORDINANCE NO. 19 -**

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 901.1 (FIRE PROTECTION) OF THE 2018 INTERNATIONAL BUILDING CODE AS AMENDED BY THE NAPERVILLE MUNICIPAL CODE SECTION 5-1A-3  
29 S. WEBSTER STREET**

**WHEREAS**, Richards Building Partnership (“Owner”), the owner of an existing three-story, 24,000 square foot office building located at 29 S. Webster Street, Naperville, IL, as legally described on Exhibit A attached hereto (“Subject Property”), has applied for a building permit to modify approximately 3,300 square feet of the building (“Renovations”); and

**WHEREAS**, Section 901.1 of the 2018 International Building Code as amended by Naperville Municipal Code Section 5-1A-3 requires that fire protection systems be installed for any portion of the building on the Subject Property that is subject to change of use, addition, alteration, or repair; and

**WHEREAS**, Section 901.1 of the 2018 International Building Code as amended by Naperville Municipal Code Section 5-1A-3 requires that fire protection systems be installed for the remainder of the building on the Subject Property no later than ten years from the date of permit issuance for the Renovations; and

**WHEREAS**, Section 901.1 of the 2018 International Building Code as amended by Naperville Municipal Code Section 5-1A-3 requires the Owner to sign a fire suppression installation agreement, which is legally binding upon the Owner and upon the Owner's heirs, assigns, transferees, executors, agents, representatives, and those subsequent owners of the Subject Property, to ensure that a fire protection system shall be installed for the remainder of the building no later than ten years from the date of permit issuance for the Renovations; and

**WHEREAS**, the Owner has petitioned the City of Naperville to grant a variance from Section 901.1 of the 2018 International Building Code as amended by Naperville Municipal Code Section 5-1A-3 to allow the Owner to defer the installation of the fire suppression system for the Renovations no later than ten years from the date of permit issuance for the Renovations such that they can be installed at the time the fire suppression system for the remainder of the building is completed; and,

**WHEREAS**, city staff recommends approval of the variance based on the following conditions: 1) A fire suppression installation agreement is signed requiring that a fire protection system for the entire building be installed no later than ten years from the date of permit issuance for the Renovations; 2) A smoke partition be installed between the Renovations and the remainder of the building in accordance with Section 710 (Smoke Partitions) of the 2018 International Building Code prior to permit issuance; and 3) A fire suppression system be installed for the Renovations at such time as the area of the Renovations plus the area of any additional future changes of use, additions, alterations, or repairs exceeds 5,000 square feet; and

**WHEREAS**, on August 21, 2019, the Building Review Board (BRB) discussed this matter and voted (8-0) to approve the variance based on the conditions identified by city staff; and

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

**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 substantive and are incorporated in this Section 1 as though fully set forth in the Section 1.

**SECTION 2:** Subject to the terms and conditions set forth herein, a variance to Section 901.1 of the 2018 International Building Code as amended by Naperville Municipal Code Section 5-1A-3, is hereby granted to allow the Owner to defer the installation of the fire suppression system for the Renovations no later than ten years from the date of permit issuance for said Renovations.

**SECTION 3:** 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 4:** The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

**SECTION 5:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue Ph.D.  
Naperville City Clerk

**EXHIBIT A**  
LEGAL DESCRIPTION

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LOTS 6, 7, 10 AND 11 IN BLOCK 8 IN PLAT OF THE TOWN OF NAPERVILLE,  
BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 13, TOWNSHIP  
38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842 AS  
DOCUMENT 131, IN DUPAGE COUNTY, ILLINOIS.