

RESOLUTION NO. 23 - ____

**A RESOLUTION AUTHORIZING RELIEF
FROM SECTION 5 (SIGNS ON COMMERCIAL AND INSTITUTIONAL
PROPERTY) OF CHAPTER 16 (SIGNS) OF TITLE 6 (ZONING ORDINANCE)
OF THE NAPERVILLE MUNICIPAL CODE TO ACCOMMODATE
THE REPLACEMENT OF NON-CONFORMING POLE SIGNS
LOCATED ALONG THE EAST OGDEN AVENUE CORRIDOR**

RECITALS

1. **WHEREAS**, per Chapter 16 (Signs) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code, pole signs are defined as a type of ground sign which is supported by a pole structure extended from the ground; and
2. **WHEREAS**, in 2008, per Ordinance 08-230, pole signs were prohibited Citywide, resulting in the reclassification of all existing pole signs as non-conforming structures subject to the restrictions provided in Section 6-16-10 (Nonconforming Signs) of the Naperville Municipal Code; and
3. **WHEREAS**, in 2018, in an effort to enhance the aesthetics of the East Ogden Avenue Corridor, defined as Ogden Avenue from Washington Street east to the City's eastern boundary (hereinafter "**Corridor**"), the City Council approved thirty thousand dollars (\$30,000) in funding in the 2019 budget to create an Ogden Avenue Pole Sign Replacement Grant Program (hereinafter "**Grant Program**"), said Grant Program has continued to be included in the annual City Budget; and
4. **WHEREAS**, following removal of their existing non-conforming pole sign, it may be difficult to site a monument sign which complies with all requirements of Section 5 (Signs on Commercial and Institutional Property) of Chapter 16 (Signs) of Title 6 (Zoning Ordinance) (hereinafter "**Commercial Sign Requirements**") on properties

located along the Corridor based on existing property, building, and parking sizes and configurations; and

5. **WHEREAS**, per the Naperville Municipal Code, any proposed signage which does not comply with all Commercial Sign Requirements would require relief through the variance process set forth in Section 6-3-6 (Variances); and
6. **WHEREAS**, on June 4, 2019, the Naperville City Council adopted Resolution 19-024 providing administrative relief from certain provisions of Section 6-16-5 in order to expedite the removal of non-conforming pole signs along the Corridor; and
7. **WHEREAS**, Resolution 19-024 expired on December 31, 2022; and
8. **WHEREAS**, Resolution 19-024 was found to be beneficial to property owners replacing signage along the east Ogden Avenue Corridor and accordingly staff is proposing a new Resolution to provide the same allowances as Resolution 19-024 through December 31, 2028; and
9. **WHEREAS**, as provided herein, the Zoning Administrator is granted the authority to administratively approve certain Commercial Sign variances necessary and appropriate to facilitate the replacement of existing non-conforming pole signs along the Corridor.

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: The Zoning Administrator is hereby authorized to administratively approve certain requests for relief from Section 6-16-5 (Signs on Commercial and Institutional Property) of the Naperville Municipal Code, as detailed in Section 3, provided that the following conditions are met (hereinafter “**Qualifying Projects**”):

1. The property is located along the Corridor.
2. The applicant seeks to remove an existing non-conforming pole sign and replace it with a permanent sign as provided in Section 6-16-5 (Signs on Commercial and Institutional Property).
3. The applicant can demonstrate to the satisfaction of the Zoning Administrator that a hardship exists on their Corridor property that would reasonably preclude compliance with the Commercial Sign Requirements.
4. The proposed sign complies with the East Ogden Avenue Sign Design Guidelines attached hereto as **Exhibit A**, and sight distance requirements as determined by the City Engineer.

SECTION 3: Subject to compliance with the conditions set forth in Section 2 above and in this Section 3, the Zoning Administrator is authorized to administratively approve requests for relief from the Commercial Sign Requirements for Qualifying Projects, to the extent she finds the requested relief to be appropriate, as follows:

Section 6-16-5:2.1 (Wall, Awning and Canopy Signs) & 6-16-5:2.3 (Blade Signs):

1. For those Corridor properties in which a ground sign cannot be accommodated, as determined by the Zoning Administrator, permit the applicant to increase their permitted wall, awning, canopy and/or blade signage by up to fifty percent (50%) above the maximum sign areas established in Section 6-16-5:2.1 (Wall, Awning and Canopy Signs) & 6-16-5:2.3 (Blade Signs).

Section 6-16-5:2.2 (Ground Signs):

1. Permit a ground sign to be installed on properties with less than the minimum one hundred (100) feet of lot frontage.
2. Permit a ground sign to exceed the maximum sign area of forty-five (45) square feet, as provided by Naperville Municipal Code based on the posted 35 mph speed limit of Ogden Avenue, if the sign area of the existing non-conforming pole sign currently exceeds this allowance. Notwithstanding the foregoing, in no event shall the sign area of any new ground sign exceed sixty-five (65) square feet in size.

3. Permit a ground sign to encroach into a portion of the required ten (10) foot major arterial setback required along Ogden Avenue.
4. Permit a ground sign to encroach into a portion of the required forty (40) foot interior property line setback.

SECTION 4: Notwithstanding the above, the Zoning Administrator shall have the sole discretion to refer any requests for relief from Section 6-16-5 (Signs on Commercial and Institutional Property) for signs along the Corridor that are deemed not to be Qualifying Projects for processing in compliance with the requirements provided in Section 6-3-6 (Variances) of the Naperville Municipal Code.

SECTION 5: The Zoning Administrator shall be granted the administrative authority described herein through December 31, 2028.

SECTION 6: If any section, paragraph, or provision of this Resolution 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 Resolution or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 7: This Resolution 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.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk