

PIN: 07-13-440-007

ADDRESS:  
135 WATER STREET  
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 #19-1-136

**ORDINANCE NO. 20 -**

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-16-6 OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 135 WATER STREET (WATER STREET SHOPS)**

**Recitals**

1. **WHEREAS**, Omega Sign & Lighting, Inc. ("**Petitioner**") has petitioned the City of Naperville for approval of a sign area variance to allow for the installation of a Development Identification wall sign for the real property located at 135 Water Street, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the owner of the Subject Property is Water Street Property Owner, LLC, 401 South Main Street, Suite 300, Naperville, Illinois ("**Owner**"); and
3. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core); and
4. **WHEREAS**, Section 6-16-6:3.5.1 (Signs: Special Areas of Control) permits a 32 square-foot Development Identification wall sign; and
5. **WHEREAS**, the Petitioner has requested approval of a variance from Municipal Code Section 6-16-6:3.5.1 (Signs: Special Areas of Control) to allow for the installation of a 92

square-foot Development Identification wall sign on the north facade of the 4-story Theater Building located on Subject Property for the Water Street Shops; and

6. **WHEREAS**, the Owner wishes to increase visibility by conveying the presence of the Water Street Shops area to the downtown area located north of the DuPage River; and
7. **WHEREAS**, on February 19, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-136 and recommended approval of the request; and
8. **WHEREAS**, the requested variance meets the standards for granting a variance as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioners' 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance to 6-16-6:3.5.1 (Signs: Special Areas of Control) of the Naperville Municipal Code to install a 92 square-foot Development Identification wall sign is hereby granted, as depicted on the Sign Rendering attached hereto as **Exhibit D**.

**SECTION 3:** The variance approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in

this Ordinance has been started within two (2) years from the effective date of this Ordinance.

**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:** 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 6:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk