

PIN: 07-25-104-018

**ADDRESS:
955 W 75TH 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 #19-1-054

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-16-5:2.2.3
OF TITLE 6 OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY
LOCATED AT 955 W. 75TH STREET (GARDEN FRESH MARKET)**

WHEREAS, Nir Mor, Garden Fresh Market at 955 W. 75th Street Naperville, IL 60540 (“Petitioner”), has petitioned the City of Naperville for approval of a sign variance to allow for the installation of an 80-square foot electronic message board (EMB) on the property commonly known as 955 W. 75th Street, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the Owner of the Subject Property is Acadia Realty Trust, Douglas Austin at 639 W. Diversey Parkway, Suite 202 Chicago, IL 60614 (“Owner”); and

WHEREAS, the Petitioner has proposed to remove the panel sign from the existing monument sign located on the subject property near the 75th Street entrance and replace the panel sign with an 80-square foot EMB and a 26-square foot panel sign; and

WHEREAS, the existing monument sign on the Subject Property is an existing nonconforming sign which allows the Petitioner to install the 26-square foot panel sign without the requirement of a variance; and

WHEREAS, the Petitioner has requested approval of a variance from Municipal Code Section 6-16-5:2.2.3 (Sign Area) to allow for installation of an 80-square foot electronic message board sign to be installed on the existing monument sign; and

WHEREAS, Per Section 6-16-5:2.2.2, 90-square feet is the maximum permitted size for a ground sign on the Subject Property; and

WHEREAS, Per Section 6-16-5:2.2.3, EMB signage is not permitted to exceed 50% of the maximum permitted square footage of the ground sign, therefore, the maximum permitted EMB square footage for the Subject Property is 45-square feet; and

WHEREAS, the Petitioner is requesting a variance to exceed the 45-square foot maximum in order to install an 80-square foot EMB; and

WHEREAS, on October 16, 2019, the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-054 and recommended approval of the Petitioner's request; and

WHEREAS, the requested variance meets the standards for variances as provided in **Exhibit C** attached hereto; and

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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Naperville Municipal Code Section 6-16-5:2.2.3 to install an 80-square foot electronic message board sign onto the existing monument sign on

the property commonly known as 955 W. W 75th Street is hereby granted as depicted on **Exhibit D.**

SECTION 3: The variances approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the improvements as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 4: These variances 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: 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.
City Clerk