

**PINS:
07-22-102-023-0000
07-22-102-024-0000**

**ADDRESS:
204 S. ROUTE 59
NAPERVILLE, IL 60565**

**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 #19-1-099

ORDINANCE NO. 20 -

**AN ORDINANCE GRANTING SIGN VARIANCES FROM TITLE 6 OF THE
NAPERVILLE MUNICIPAL CODE FOR MONUMENT SIGN 1/SOUTH SIGN,
THE EAST AURORA SIGN AND THE WEST AURORA SIGN,
AND DENYING VARIANCES FOR MONUMENT SIGN 2/NORTH SIGN FOR
PROPERTY LOCATED AT 204 S. ROUTE 59
(WESTRIDGE COURT SHOPPING CENTER)**

RECITALS

1. **WHEREAS**, Brixmor Holdings 6 SPE, LLC, 8700 West Bryn Mawr Avenue, Suite 1000, Chicago, IL 60631, owner and petitioner of real property located at 204 S. Route 59 (Westridge Court Shopping Center), Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), has petitioned the City of Naperville for approval of several variances from the Naperville Municipal Code for four ground signs on said property; and
2. **WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping District) and is improved with a multi-tenant shopping center and surface parking lots; and

3. **WHEREAS**, the Petitioner requests approval of multiple sign variance requests from Sections 6-16-3 (Prohibited Signs) and 6-16-5 (Signs on Commercial and Institutional Property) of the Naperville Municipal Code to allow two signs on Route 59 and two signs along Aurora Avenue to exceed permissible signage allowances; and
4. **WHEREAS**, the signs shall be identified as Monument Sign 1/South Sign, Monument Sign 2/North Sign, East Aurora Sign, and West Aurora Sign; and
5. **WHEREAS**, the following variances have been requested for Monument Sign 1/South Sign, as depicted on **EXHIBIT C**:
 - A variance to Section 6-16-5:2.2.2 to allow an increase in the maximum sign area from 90 sq. ft. to 347.5 square feet;
 - A variance to Section 6-16-5:2.2.3 to allow an increase in the maximum percentage that a changeable sign may occupy from 50% of the maximum sign area (45 sq. ft.) to 100% (90 sq. ft.);
 - A variance to Section 6-16-5:2.2.4 to allow an increase in the maximum sign height from 10 ft. to 32 ft.;
 - A variance to Section 6-16-3 to allow the sign to function as an off-premises sign to identify uses on proposed interior lots.
6. **WHEREAS**, the following variances have been requested for Monument Sign 2/North Sign, as depicted on **EXHIBIT C**:
 - A variance to Section 6-16-5:2.2.2 to allow an increase in the maximum sign area from 90 sq. ft. to 256 square feet;
 - A variance to Section 6-16-5:2.2.4 to allow an increase in the maximum sign height from 10 ft. to 32 ft.;

- A variance to Section 6-16-5:2.2.5.1 to reduce the required setback along a major arterial roadway from 10 ft. to 5.23 ft.;
 - A variance to Section 6-16-5:2.2.5.3 to reduce the required setback along an interior property line 40 ft. to 18.69 ft.; and,
 - A variance to Section 6-16-3 to allow the sign to function as an off-premises sign to identify uses on proposed interior lots.
7. **WHEREAS**, the following variances have been requested for the East Aurora Sign and the West Aurora Sign, as depicted on **EXHIBIT D**:
- A variance to Section 6-16-3 to allow the sign to function as an off-premises sign to identify uses on proposed interior lots.
8. **WHEREAS**, staff recommends approval of the requested variances for Monument Sign 1/South Sign, the East Aurora Sign, and the West Aurora Sign, but recommends denial of the requested variances for Monument Sign 2/North Sign finding the sign does not meet the general purpose and intent of the City's Sign Regulations; and
9. **WHEREAS**, on December 18, 2019, the Planning and Zoning Commission considered the Petitioner's requests and recommended approval of each variance requested for Monument Sign 1/South Sign, Monument Sign 2/North Sign, the East Aurora Sign, and the West Aurora Sign; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests for variances for Monument Sign 1/South Sign, the East Aurora Sign, and the West Aurora Sign meet the Standards for Variances as provided in **Exhibit E** attached hereto and should be granted as provided herein.

11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s requests for variances for Monument Sign 2/North Sign do not meet the Standards for Variances and should be denied 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 herein.

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

SECTION 2: Variances to the Naperville Municipal Code are hereby approved as set forth below:

- Monument Sign 1/South Sign as depicted on **EXHIBIT C:**
 - A variance to Section 6-16-5:2.2.2 to allow an increase in the maximum sign area from 90 sq. ft. to 347.5 square feet;
 - A variance to Section 6-16-5:2.2.3 to allow an increase in the maximum percentage that a changeable sign may occupy from 50% of the maximum sign area (45 sq. ft.) to 100% (90 sq. ft.);
 - A variance to Section 6-16-5:2.2.4 to allow an increase in the maximum sign height from 10 ft. to 32 ft.;
 - A variance to Section 6-16-3 to allow the sign to function as an off-premises sign to identify uses on proposed interior lots.

- East Aurora Sign and the West Aurora Sign as depicted on **EXHIBIT D:**
 - A variance to Section 6-16-3 to allow the sign to function as an off-premises sign to identify uses on proposed interior lots.

SECTION 3: Variances to the Naperville Municipal Code are hereby denied as set forth below:

- Monument Sign 2/North Sign as depicted on **EXHIBIT C:**
 - A variance to Section 6-16-5:2.2.2 to allow an increase in the maximum sign area from 90 sq. ft. to 256 square feet;
 - A variance to Section 6-16-5:2.2.4 to allow an increase in the maximum sign height from 10 ft. to 32 ft.;
 - A variance to Section 6-16-5:2.2.5.1 to reduce the required setback along a major arterial roadway from 10 ft. to 5.23 ft.;
 - A variance to Section 6-16-5:2.2.5.3 to reduce the required setback along an interior property line 40 ft. to 18.69 ft.; and,
 - A variance to Section 6-16-3 to allow the sign to function as an off-premises sign to identify uses on proposed interior lots.

SECTION 4: The variances approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance: (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 5: 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 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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 8: 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.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk