

PIN: 07-13-419-017

ADDRESS:
35 S. WASHINGTON
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 #20-1-076

ORDINANCE NO. 20- __

**AN ORDINANCE APPROVING VARIANCES TO SECTION 6-13-10:3.3 AND SECTION
6-13-10:5.2 TO PERMIT ROOF MOUNTED ANTENNAS ON THE BUILDING
LOCATED AT 35 S. WASHINGTON STREET**

RECITALS

1. **WHEREAS**, T-Mobile ("Petitioner"), has petitioned the City of Naperville for approval of two variances to permit three sectors of up to three panel antennas per sector mounted on the roof of the building located at 35 S. Washington, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, K2 Development LLC, is the owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core District) and is currently improved with a commercial building; and
4. **WHEREAS**, per Section 6-13-10:5.2. (General Requirements: Setbacks), an antenna must be located 100' from any property line that is adjacent to a residential zoning district or a residential use; and

5. **WHEREAS**, the property to the southeast, 110 S. Washington Street (commonly known as Central Park Place) is a mixed-use building with commercial on the first floor and condominiums on the second through fourth floors and is located 95' away from the subject property, therefore, the proposed antennas require a variance; and
6. **WHEREAS**, per Section 6-13-10:3.3 (General Requirements: Design), if an antenna is installed on an existing building, it should be mounted on that portion of a roof which faces a rear yard (not facing a public right-of-way) or behind major rooftop elements such as stair and elevator penthouses, parapets or architectural projections; and
7. **WHEREAS**, a variance is required given the location of the two southern sectors as depicted on the site plan; and
8. **WHEREAS**, on September 16, 2020, the Planning and Zoning Commission conducted a public hearing to consider the requested variances and recommended approval of the Petitioner's requests; and
9. **WHEREAS**, the City Council has determined that the Petitioner's request meets the standards as provided in **Exhibit C** attached hereto and 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 from Section 6-13-10:5.2. (General Requirements: Setbacks) to permit a roof mounted antenna 95' from the residential use as depicted on the Site Plan attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: A variance from Section 6-13-10:3.3. (General Requirements: Design) to permit a location of the two sectors as depicted on the Site Plan attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: The variances approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (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