

PIN: 08-07-308-021

ADDRESS:

**111 E. Ogden Avenue
NAPERVILLE, IL 60563**

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 #19-1-060

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A SIGNAGE VARIANCE
FROM SECTION 6-16-5:2.1.3 OF TITLE 6 (ZONING REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY
LOCATED AT 111 E. OGDEN AVE. (NORTH TOWN PLAZA)**

WHEREAS, Washington Ogden LLC, 1 East 22nd Street #201, Lombard, IL 60148 is the owner ("Owner") of real property located at 111 E. Ogden Ave., Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Tracey Diehl, Expedite the Diehl, 6487 Hilliard Dr., Canal Winchester, OH 43110 ("Petitioner") on behalf of the owner has petitioned the City of Naperville for approval of a variance from the Naperville Municipal Code in order to install wall signs on the western façade for said property; and

WHEREAS, the Subject Property is currently zoned B2 (Community Shopping Center District) and is improved with a multi-tenant commercial building and associated parking lot; and

WHEREAS, in accordance with Section 6-16-5:2.1.3 (Signs on Commercial and Institutional Property: Permanent Wall Signs) of the Naperville Municipal Code, wall signage is not permitted to be installed on the west elevation of the building located on the Subject Property; and

WHEREAS, the Petitioner has indicated that wall signage is needed along the west elevation of the building located on the Subject Property given the building's limited identification to traffic traveling east bound on Ogden Avenue and lack of identification to traffic traveling along Washington Street; and

WHEREAS, the Petitioner has requested approval of a variance from Section 6-16-5:2.1.3 of the Naperville Municipal Code in order to allow the installation of reduced area wall signage not to exceed .75 square feet in area per linear foot of tenant space frontage on the west façade of the building; and

WHEREAS, on June 19, 2019, the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-060 and recommended approval of the Petitioner's request, subject to the condition that the tenant signage not exceed the sign area calculations presented in Table 1; 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 herein.

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

SECTION 2: A variance from Section 6-16-5:2.1.3 (Signs on Commercial and Institutional Property: Permanent Wall Signs) to allow the installation of reduced area wall signage not to exceed .75 square feet in area per linear foot of tenant space frontage on the west elevation of the building as depicted on the site plan attached to this ordinance as **Exhibit D** is hereby granted, subject to the compliance with the following sign area limitations:

1. Table 1. Sign Area Calculation

| Tenant Space | Maximum Sign Area Permitted on West Façade |
|----------------------|---|
| Suite 101B | 20 sf |
| Suite 105B (Verizon) | 24.75 sf |
| Suite 109B | 25.94 sf |
| Suite 111B | 14.25 sf |

SECTION 3: The variance 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 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: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: 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 7: 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