

PINS:
07-13-443-005
07-13-443-010

ADDRESSES:
419-423 S. WASHINGTON 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 #21-1-105

ORDINANCE NO. 22 -

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-16-3 (PROHIBITED SIGNS) OF THE NAPERVILLE MUNICIPAL CODE
TO ALLOW FOR RELOCATION OF AN EXISTING, NONCONFORMING GROUND
SIGN IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT FOR THE
PROPERTIES LOCATED AT 419-423 S. WASHINGTON STREET**

1. **WHEREAS**, the properties located at 419-423 S. Washington Street, legally described on Exhibit A and depicted on Exhibit B (hereinafter "**Subject Property**"), are owned by Willoway LLC Series 4-419 South Washington (hereinafter referenced as "**Property Owner**" or "**Petitioner**"); and
2. **WHEREAS**, the Subject Property is presently zoned B5 (Secondary Downtown District) in the City of Naperville and is currently improved with two commercial buildings and associated off-street parking; and
3. **WHEREAS**, Section 6-16-3 (Prohibited Signs) of the Naperville Municipal Code prohibits ground signs in the Downtown Central Business District; and
4. **WHEREAS**, the Petitioner has petitioned the City of Naperville for a variance to Section 6-16-3 (Prohibited Signs) of the Naperville Municipal Code to allow for

relocation of an existing, nonconforming ground sign (“**Sign**”) currently utilized by J. C. Licht and AT&T in the Downtown Central Business District following acquisition of additional right-of-way for the Downtown Washington Street Bridge Replacement Project as depicted on **Exhibit C** (“**Sign Plan**”); and

5. **WHEREAS**, absent the Downtown Washington Street Bridge Replacement Project and associated property acquisition, the Sign would be allowed to remain as-is in accordance with Section 6-16-10 (Nonconforming Signs) of the Municipal Code; thus the need for the sign variance is a result of City-initiated roadway improvements and is not a result of any action taken by the Petitioner; and
6. **WHEREAS**, on March 2, 2022 the Planning and Zoning Commission conducted a public hearing to consider the variance request and recommended approval of Petitioner’s request; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request meets the variance standards as provided in **Exhibit D** 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: A variance to Section 6-16-3 (Prohibited Signs) of the Naperville Municipal Code to allow for relocation of the existing, nonconforming ground Sign for the properties located at 419-423 S. Washington Street, which relocation will be made

necessary as a result of acquisition of additional right-of-way by the City for the Downtown Washington Street Bridge Replacement Project, is hereby granted.

SECTION 3: The variance approved by this Ordinance shall automatically expire within twenty-four (24) months after notice from the City that the Washington Street Bridge is fully open to traffic in all lanes, or such other timeframe as is agreed to in writing by the City Engineer.

SECTION 4: The Sign Plan, attached to this Ordinance as **Exhibit C**, is hereby approved for the Subject Property.

SECTION 5: The sign variance granted herein shall be subject to revocation for failure to comply with the Naperville Municipal Code, as amended from time to time, and all other applicable laws, except as provided herein..

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

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk