

**PINs: 08-18-101-008
08-18-101-007**

**ADDRESS:
7 7th 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 #18-1-071

ORDINANCE NO. 18 -

AN ORDINANCE GRANTING VARIANCES TO PURSUANT TO SECTION 6-9-2 (OFF-STREET PARKING FACILITIES) AND TO 6-16-5 (SIGNS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 7 7TH AVENUE (TAILORING BY MONICA)

WHEREAS, Monika Gawalek ("Petitioner") is the owner of real property located at 7 7th Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), and has petitioned the City of Naperville for approval of parking setback and sign variances for the Subject Property; and

WHEREAS, the Subject Property is zoned OCI (Office, Commercial, and Institutional District) and is improved with a single-story story brick and frame structure with 8 parking spaces located in the rear of the structure; and

WHEREAS, on February 2, 2016, the City Council of the City of Naperville passed Ordinance No. 16-017 approving a conditional use for a tailoring establishment and a variance to reduce the amount of required off-street parking spaces from 12 parking spaces to 6 parking spaces; and

WHEREAS, also on February 2, 2016, the City Council of the City of Naperville passed Ordinance No. 16-018 approving variances for the style, location, and setback of the ground sign; and

WHEREAS, the Petitioner intends to construct 4 additional parking spaces on the Subject Property which will encroach into the required major arterial setback, as well as the corner side yard and interior yard setback; and

WHEREAS, the addition of the parking spaces will result in the relocation of the existing ground sign; and

WHEREAS, due to the relocation and resizing of the existing ground sign, the variances issued per Ordinance 16-018 are no longer valid; and

WHEREAS, the requested parking setback and sign variances will have minimal impact on the neighborhood streetscape and will not be a substantial detriment to the adjacent property; and

WHEREAS, the requested variances meet the standards for granting a variance 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. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-9-2:4.6 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow a 27' encroachment into the required 70' major arterial setback for the purpose of constructing 4 additional parking spaces on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B.**

SECTION 3: A variance to Section 6-9-2:4.3.1 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow a 6' encroachment into the required 20' corner side yard for the purpose of constructing 4 additional parking spaces on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B.**

SECTION 4: A variance to Section 6-9-2:4.3.2 (Off-Street Parking Facilities: Yard Requirements for Off-Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow a 3' encroachment into the required 5' interior side yard for the purpose of constructing 4 additional parking spaces on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B.**

SECTION 5: A variance to Section 6-16-5:2.2.1 (Signs: Number) of the Naperville Municipal Code is hereby granted to allow installation of a ground sign that does not meet the definition of a Monument Sign on the Subject Property, as depicted on the Sign Rendering attached hereto as **Exhibit D.**

SECTION 6: A variance to Section 6-16-5:2.2.1 (Signs: Number) of the Naperville Municipal Code is hereby granted to allow the installation of a ground sign perpendicular

with Washington Street on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 7: A variance to Section 6-16-5:2.2.5.1 (Signs: Setback) of the Naperville Municipal Code is hereby granted to allow the installation of a ground sign that is setback 5.5' from the west property line (Washington Street), as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 8: Any additional encroachments into the zoning setback other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance to be processed.

SECTION 9: The variances approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 10: The 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 11: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 12: 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 13: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk