

PIN: 07-22-300-036

ADDRESS:
720-944 S Route 59
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-060

ORDINANCE NO. 23 - ____

**AN ORDINANCE GRANTING SIGNAGE VARIANCES FROM SECTION 6-15-5:2.2
(GROUND SIGNS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY
LOCATED AT 720-944 S ROUTE 59 (FOX RIVER COMMONS)**

RECITALS

1. **WHEREAS**, CR Fox River, LLC, 1427 Clarkview Road Suite 500, Baltimore, Maryland, 21209 ("**Owner and Petitioner**"), is the owner of real property located at 720-944 S Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the Subject Property is currently zoned B2 PUD (Community Shopping Center District Planned Unit Development) and is improved with the Fox River Commons shopping center and a surface parking lot; and
3. **WHEREAS**, Owner and Petitioner is proposing to install three ground signs as part of their efforts to update the Fox River Commons Shopping Center: Sign A, Sign B, and Sign C as depicted on **Exhibit C** ("**Sign Plans**").

4. **WHEREAS**, Owner and Petitioner has petitioned the City of Naperville for approval of variances from the Naperville Municipal Code in order to install three ground signs that exceed permissible height and square footage allowances, exceed permissible number of signs on a single frontage, and do not meet the minimum distance required between ground signs as outlined below:.

a. Owner and Petitioner has requested variances from the following code sections for Sign A:

- i. Section 6-16-5:2.2 of the Naperville Municipal Code to increase the permissible sign height from 10 feet to 24 feet 8 inches as depicted on **Exhibit C** (“Sign Plans”);
- ii. Section 6-16-5:2.2 of the Naperville Municipal Code in order to increase the permissible sign area from 45 square feet to 194.19 square feet as depicted on **Exhibit C** (“Sign Plans”);
- iii. Section 6-16-5:2.2.3 of the Naperville Municipal Code to increase the permitted changeable signage area from 22.5 square feet to 36.44 square feet as depicted on **Exhibit C** (“Sign Plans”).

b. Owner and Petitioner has requested variances from the following code sections for Sign B:

- i. Section 6-16-5:2.2 of the Naperville Municipal Code to increase the permissible sign height from 10 feet to 24 feet 8 inches as depicted on **Exhibit C** (“Sign Plans”);

- ii. Section 6-16-5:2.2 of the Naperville Municipal Code in order to increase the permissible sign area from 90 square feet to 194.19 square feet as depicted on **Exhibit C** (“Sign Plans”);
 - c. Owner and Petitioner has requested variances from the following code sections for Sign C:
 - i. Section 6-16-5:2.2 of the Naperville Municipal Code to increase the permissible sign height from 10 feet to 24 feet 8 inches as depicted on **Exhibit C** (“Sign Plans”);
 - ii. Section 6-16-5:2.2 of the Naperville Municipal Code in order to increase the permissible sign area from 45 square feet to 194.19 square feet as depicted on **Exhibit C** (“Sign Plans”);
- 5. **WHEREAS**, Owner and Petitioner has requested a variance from Section 6-16-5:2.2.1 of the Naperville Municipal Code to decrease the minimum permitted distance between ground signs on a single frontage from 200 feet to 177 feet between ground signs on the Subject Property’s Route 59 frontage as depicted on **Exhibit D** (“Site Plan”).
- 6. **WHEREAS**, Owner and Petitioner has requested a variance from Section 6-16-5:2.2.1 of the Naperville Municipal Code to increase the permitted number of ground signs on the Subject Property’s Route 59 frontage from two (2) to three (3) as depicted on **Exhibit D** (“Site Plan”).
- 7. **WHEREAS**, the Petitioner will install a landscaped area located around the base of each ground sign equal to at least one square foot for each one square foot of

monument sign area as required by Section 6-16-5:2.2.6 of the Naperville Municipal Code.

8. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit D** attached hereto.
9. **WHEREAS**, on August 2, 2023, the Planning and Zoning Commission conducted a public hearing concerning PZC 23-1-060 and recommended approval of the Petitioner's request (approved 6-0).
10. **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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Variances from Section 6-16-5:2.2 (Ground Signs) of the Naperville Municipal Code to allow three ground signs, known as Signs A, B, and C, to each measure approximately 194.19 square feet in size, as depicted on the Sign Plans attached hereto as **Exhibit C**, are hereby approved.

SECTION 3: Variances from Section 6-16-5:2.2 (Ground Signs) of the Naperville Municipal Code to allow three ground signs, known as Signs A, B, and C, to each measure 24 feet 8 inches in height, as depicted on the Sign Plans attached hereto as **Exhibit C**, are hereby approved.

SECTION 4: A variance from Section 6-16-5:2.2.3 (Ground Signs) of the Naperville Municipal Code to allow a changeable sign to measure 36.44 square feet as part of the Sign known as Sign A, as depicted on the Sign Plans attached hereto as **Exhibit C**, is hereby approved.

SECTION 5: A variance from Section 6-16-5:2.2.1 (Ground Signs) of the Naperville Municipal Code to allow the distance between two ground signs on the Subject Property's Route 59 frontage to be 177 feet, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 6: A variance from Section 6-16-5:2.2.1 (Ground Signs) of the Naperville Municipal Code to allow three (3) ground signs on the Subject Property's Route 59 frontage, as depicted on the Site Plan attached hereto as **EXHIBIT D**, is hereby approved.

SECTION 7: 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 8: 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 9: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 10: 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk