

**PIN:
07-23-100-014**

**ADDRESS:
1568 W. OGDEN AVENUE
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 #17-1-079

ORDINANCE NO. 17 - _____

**AN ORDINANCE GRANTING VARIANCES FROM
SECTION 6-16-5 (SIGNS) OF TITLE 6 (ZONING REGULATIONS) OF THE
NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
1568 W. OGDEN AVENUE (PATEL BROTHERS)**

WHEREAS, Gokan Oner of SignMax (“Petitioner”), on behalf of the owner, has petitioned the City of Naperville for approval of sign variances to allow for the installation of a ground sign on the property commonly known as 1568 W. Ogden Avenue, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the owner of the Subject Property is Naperville Properties, LLC, 1568 W. Ogden Avenue, Naperville, IL 60540 (“Owner”); and

WHEREAS, the Petitioner has requested approval of variances from Section 6-16-5:2.2.2 (Sign Area) and Section 6-16-5.2.2.4 (Sign Height) of the Municipal Code to allow for the installation of a ground sign on the Subject Property for the Patel Brothers grocery store; and

WHEREAS, the requested sign variances will allow the Petitioner to reuse the existing footings and poles from the previous sign on the Subject Property, the location of which is approximately 5' to 5.5' lower than the Ogden Avenue right-of-way; and

WHEREAS, on August 16, 2017, the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-079 and expressed concerns regarding the sign area proposed; and

WHEREAS, the Planning and Zoning Commission resumed the public hearing on September 6, 2017 and recommended approval of the Petitioner's revised request, which included a reduced overall sign area; and

WHEREAS, the requested variances meet 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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Section 6-16-5:2.2.2 (Sign Area) of the Naperville Municipal Code to install a ground sign with an area of 90 square feet on the Subject Property is hereby granted as depicted on **Exhibit B** and **Exhibit D** ("Sign Elevation").

SECTION 3: A variance from Section 6-16-5:2.2.4 (Sign Height) of the Naperville Municipal Code to install a ground sign with a total height of 17' on the Subject Property is

hereby granted as depicted on **Exhibit B** and **Exhibit D**. The ground sign is permitted to be 16' tall with an additional 1' of architectural detailing for a total sign height of 17'.

SECTION 4: 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 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: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk