

PROPERTY ADDRESS:
VACANT PROPERTY AT THE
NORTHEAST CORNER OF
ROUTE 59 AND 103rd STREET
NAPERVILLE, IL 60564

P.I.N.S
07-01-10-300-002
07-01-10-300-028
07-01-10-300-029

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 #19-1-017

ORDINANCE NO. 19 - ____

**AN ORDINANCE GRANTING A TEMPORARY USE TO ALLOW
MARKETING/CONSTRUCTION SIGNAGE TO BE DISPLAYED FOR
WAGNER FARMS AND THE COMPASS EVANGELICAL FREE CHURCH**

WHEREAS, on February 5, 2019, by Ordinance 19-020, approximately one hundred and thirteen (113) acres of property legally described on **Exhibit A** and depicted on **Exhibit B** were annexed to the City of Naperville (hereinafter referenced as "**Subject Property**"); and

WHEREAS, Pulte Home Company, LLC, with offices located at 1900 East Golf Road, Suite 300, Schaumburg Illinois 60173 ("**OWNER AND DEVELOPER/RESIDENTIAL**"), owns approximately one hundred and five (105) acres of the Subject Property, legally described on **Exhibit C** and generally depicted on **Exhibit D**, which is zoned R2 (Single Family and Low Density Multiple Family Residence) hereinafter referenced as "**Wagner Farms-Residential Property**"; and

WHEREAS, The Compass Evangelical Free Church, with offices located at 2244 95th Street, Naperville, IL 60564 (“**OWNER AND DEVELOPER/CHURCH**”) owns the approximately eight (8) remaining acres of the Subject Property, legally described on **Exhibit C** and generally depicted on **Exhibit D**, which are zoned OCI (Office Commercial and Institutional), hereinafter referenced as “**Wagner Farms-Church Property**”; and

WHEREAS, the OWNER AND DEVELOPER/RESIDENTIAL and the OWNER AND DEVELOPER/CHURCH are sometimes referenced herein as “**OWNERS**”; and

WHEREAS, the OWNERS have petitioned the City of Naperville for approval of a temporary use to allow temporary marketing signage to be displayed on the Subject Property’s IL Route 59 street frontage and 103rd Street frontage as depicted on **Exhibit E** (“Marketing Sign Exhibit”) for a period of up to five (5) years as permitted under Section 6-2-11 (Temporary Buildings, Structures and Uses of Land) of the Naperville Municipal Code (“**Code**”); and

WHEREAS, per Section 6-16-4:1.6 of the Code (Signs on Residential Property: Exempt Signs), a construction sign up to a maximum of forty-eight (48) square feet in size and ten (10) feet in height may be displayed on each qualifying frontage for a residential development including at least five (5) contiguous lots under the control of a single entity until the completion of the development project; and

WHEREAS, per Section 6-16-4:1.6 of the Code, the WAGNER FARMS-RESIDENTIAL PROPERTY would be permitted to install one (1) marketing/construction sign along the WAGNER FARMS-RESIDENTIAL PROPERTY’S IL Route 59 frontage and one (1) marketing/construction sign along the WAGNER FARMS-RESIDENTIAL PROPERTY’S 103rd Street frontage; and

WHEREAS, per Section 6-16-5:1.10 of the Code (Signs on Commercial and Institutional Property: Exempt Signs), one (1) construction sign up to a maximum of forty-eight (48) square feet in size and ten (10) feet in height may be displayed on a non-residential property to which an active building permit has been issued until a Certificate of Occupancy is issued by the City; and

WHEREAS, per Code, The Compass Evangelical Free Church is permitted to install one (1) marketing/construction sign on the WAGNER FARMS-CHURCH PROPERTY; and

WHEREAS, per Section 6-16-3:7 of the Code (Prohibited Signs), off-premises signs are prohibited; and

WHEREAS, the OWNERS propose the installation of marketing/construction signage for both the WAGNER FARMS-RESIDENTIAL PROPERTY and the WAGNER FARMS-CHURCH PROPERTY along the SUBJECT PROPERTY'S roadway frontages regardless of the property's underlying ownership, which may result in up to two WAGNER FARMS-RESIDENTIAL PROPERTY construction signs being installed on the WAGNER FARMS-CHURCH PROPERTY; and

WHEREAS, the OWNERS propose the installation of not to exceed three (3) marketing/construction signs along the SUBJECT PROPERTY'S IL Route 59 frontage when two (2) are permissible (one for WAGNER FARMS-RESIDENTIAL PROPERTY and one for WAGNER FARMS-CHURCH PROPERTY), and not to exceed two (2) marketing/construction signs along the SUBJECT PROPERTY'S 103rd Street frontage when one (1) is permissible (one for WAGNER FARMS-RESIDENTIAL PROPERTY), as depicted on **Exhibit E**, for a period of up to five (5) years, regardless of the property's underlying ownership (hereinafter "**Marketing/Construction Signs**"); and

WHEREAS, the OWNERS are requesting approval of a temporary use pursuant to Section 6-2-11 of the Code to permit the installation of temporary Marketing/Construction Signs as described above which exceeds the maximum number of signs and permissible locations permitted by Sections 6-16-3, 6-16-4, and 6-16-5 of the Code; and

WHEREAS, Section 6-2-11 of the Code (Temporary Buildings, Structures and Uses of Land) permits the City Council to authorize the temporary use in any zoning district for a building, structure or use of land that does not conform to the regulations prescribed elsewhere in Title 6 provided that such use will not have a potential adverse impact on surrounding properties or public health, safety and general welfare; and

WHEREAS, the City Council has determined that the temporary signage use requested by the OWNERS for the Marketing/Construction Signs described herein should be granted in accordance with the terms and conditions provided herein; and

WHEREAS, nothing herein shall prohibit the Owner and Developer/Residential or Owner and Developer/Church from applying for any other permanent or model home signage as permitted by the Code.

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: A temporary use to permit the installation of not to exceed three (3) marketing/construction signs along the Subject Property's IL Route 59 frontage and not to

exceed two (2) marketing/construction signs along the Subject Property's 103rd Street frontage, as depicted on **Exhibit E** (the Marketing/Construction Signs), is hereby granted for a period of up to five (5) years, regardless of the property's underlying ownership, subject to the following conditions:

1. The Marketing/Construction Signs shall be removed from the SUBJECT PROPERTY at the completion of the Wagner Farms development project or by May 7, 2024, whichever comes first.
2. There shall be a minimum of one hundred and seventy-five (175) feet of separation between signs.
3. Except as otherwise provided herein, the Marketing/Construction Signs described herein shall comply with the Naperville Municipal Code requirements for construction signs, including but not limited to requirements affecting their height and size.
4. Pulte Home Company, LLC, agrees to remove the Marketing/Construction Signs within the timeframe described in paragraph 1 above. Failure to do so shall result in the City taking any action its deems appropriate, including but not limited to issuance of ordinance violations against Pulte Home Company, LLC.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: 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 5: The City Clerk is authorized and direct to record this Ordinance with the Will County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk