

PIN: 07-13-421-018  
07-13-421-019  
07-13-421-020

ADDRESS:  
222, 212, 204 W. VAN BUREN AVE  
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 #19-1-048

**ORDINANCE NO. 19 -**

**AN ORDINANCE GRANTING VARIANCES  
TO SECTION 6-2-10:6 AND SECTION 6-2-12:2.1 OF TITLE 6 (ZONING  
REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE PROPERTIES LOCATED AT 222, 212, 204 W. VAN BUREN AVENUE**

**WHEREAS**, North Webster Place, LLC (“Owner and Petitioner”) has petitioned the City of Naperville to grant a variance from Section 6-2-10:6 (General Provisions: Time of Construction) of the Naperville Municipal Code in order to install fencing on two vacant lots and a variance from Section 6-2-12:2.1 (Fences: Business Districts) of the Naperville Municipal Code for the proposed height of the fence for the real property located at 222, 212, 204 W. Van Buren Avenue, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Properties”); and

**WHEREAS**, the Subject Properties are located on the southwest corner of Webster Street and Van Buren Avenue and are zoned TU (Transitional Use District); and

**WHEREAS**, the property at 222 W. Van Buren is currently improved with a single-family residential home while properties 212 and 204 W. Van Buren remain vacant; and

**WHEREAS**, Municipal Code Section 6-2-10:6 (Accessory Structures: Time of Construction) provides that a fence cannot be constructed on a lot without a principal structure; and

**WHEREAS**, the Petitioner requests a variance to construct a fence on the vacant Subject Properties at 212 and 204 W. Van Buren Avenue; and

**WHEREAS**, Municipal Code Section 6-2-12:2.1 (Fences: Business Districts) permits fences up to 3' in height to be located in the required front and corner side yard; and

**WHEREAS**, the Petitioner requests a variance to locate a 5' open style fence in the required front and corner side yard at the Subject Properties; and

**WHEREAS**, on June 5, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-048 and recommended approval of the request; and

**WHEREAS**, the requested variance meets 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 6-2-10:6 (Accessory Structures: Time of Construction) of the Naperville Municipal Code is hereby granted to permit installation of

fencing on the vacant Subject Properties, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 3:** A variance to Section 6-2-12:2.1 (Fences: Business Districts) of the Naperville Municipal Code is hereby granted to permit installation of a five foot (5') tall open style fence at the front and corner side yards of the Subject Properties, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

**SECTION 4:** The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a 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 5:** 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 6:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 7:** 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 8:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk