

PINs:
08-18-131-011
08-18-131-012

ADDRESSES:
240-244 E. 4TH 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 #19-1-130

ORDINANCE NO. 20- ____

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-10:6 OF THE
NAPERVILLE MUNICIPAL CODE TO PERMIT A FENCE ON THE PROPERTY
LOCATED AT 240-244 E. 4TH AVE.**

RECITALS

1. **WHEREAS**, David Trollope and Diane Barrowman ("**Petitioners**") own the real property located at 240-244 E. 4th Avenue, Naperville, Illinois and legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is comprised of two parcels owned by the Petitioners, one parcel is improved with a single-family residence and the second parcel is vacant; and
3. **WHEREAS**, the Petitioners intend to construct a 6' tall fence that will extend across both parcels of the Subject Property; and

4. **WHEREAS**, in order to construct a fence on the vacant parcel, the Petitioners request a variance to Section 6-2-10:6 (Accessory Buildings, Structures and Uses of Land: Timing of Construction); and
5. **WHEREAS**, on December 18, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-130 and recommended approval of the request; and
6. **WHEREAS**, the requested variance meets the standards for granting a variance as provided in **Exhibit C** attached hereto; and
7. **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 Buildings, Structures and Uses of Land: Timing of Construction) of the Naperville Municipal Code is hereby granted to allow a 6' tall fence on a property without a primary structure as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 4: The variance 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: 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: 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 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk

