

**PIN:
07-14-406-012**

**ADDRESS:
16 Pepperidge Rd.
Naperville, IL 60540**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #20-1-095

ORDINANCE NO. 20- __

**AN ORDINANCE GRANTING A VARIANCE
TO SECTIONS 6-2-7:3 AND 6-2-20:2.1 (PARKING OF RECREATIONAL VEHICLES
AND CURB WEIGHT)
TO PARK AN OVERWEIGHT RECREATIONAL VEHICLE ON THE DRIVEWAY AT 16
PEPPERIDGE ROAD**

RECITALS

1. **WHEREAS**, Linda E. Cusack and Thomas F. Cusack ("Petitioners") own the real property legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, Petitioners have petitioned the City of Naperville for approval of a variance to allow a recreational vehicle exceeding the weight requirements permitted under Sections 6-2-7:3 and 6-2-20:2.1 of the Naperville Municipal Code to be used daily as their principal means of transportation and parked on the driveway of their residence at 16 Pepperidge Road, Naperville, Illinois; and

3. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is currently improved with a single-family structure; and
4. **WHEREAS**, Municipal Code Section 6-2-7:3 (Parking Of Recreational Vehicles) and 6-2-20:2.1 (Curb Weight) requires a weight limit maximum of eight thousand (8,000) pounds for any recreational vehicle parked on a driveway for daily use; and
5. **WHEREAS**, Petitioners seek authorization to allow a vehicle that weighs 10,360 pounds, depicted on **Exhibit C**, to be parked on their driveway, thus requiring a variance from Section 6-2-7:3 and 6-2-20:2.1 of the Naperville Municipal Code; and
6. **WHEREAS**, on November 18, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-095 and recommended approval of Petitioners' request as set forth herein; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioners' request meets the variance standards as provided in **Exhibit D** attached hereto and should be granted subject to the conditions set forth 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: A variance to permit the recreational vehicle depicted on **Exhibit C**, which exceeds the weight requirements permitted by Municipal Code Section 6-2-7:3 (Parking Of Recreational Vehicles) and 6-2-20:2.1 (Curb Weight), to be parked at 16

Pepperidge Road, Naperville depicted on **Exhibit B** is hereby approved and granted to Petitioners, subject to the following conditions:

- a) The variance approved herein is granted specifically and only to Petitioners Linda E. Cusack and Thomas F. Cusack and shall not run with the land or be transferable at any time to any other person or entity. The variance granted herein shall terminate automatically, without any action required of the City, if neither Linda E. Cusack or Thomas F. Cusack own and reside at the residence located at 16 Pepperidge Road, Naperville, Illinois.
- b) The variance approved herein is granted only for the recreational vehicle described herein and depicted on **Exhibit C** which shall at no time exceed a weight of ten thousand, three hundred and sixty (10,360) pounds.
- c) Any requests for alternative recreational vehicles or applicability to a property owner other than Petitioners shall require review and approval of a new zoning variance.

SECTION 3: The variance granted herein shall expire unless within two (2) years from the effective date of this Ordinance the use specified in this Ordinance has commenced.

SECTION 4: In addition to the termination provision set forth in Section 2(a) hereof, the variance granted to the Petitioners herein shall be subject to revocation by the City for failure of Petitioners to comply with the conditions set forth herein or 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 5: 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 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 _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk