

**PINs: 07-01-08-205-003
07-01-08-205-004
07-01-08-205-013
07-01-08-205-014
07-01-08-205-015**

**ADDRESS:
LOTS 71, 72, 73, 80 & 81
ASHWOOD CROSSING
NAPERVILLE, IL 60564**

**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 #19-1-001

ORDINANCE NO. 19 - _____

**AN ORDINANCE GRANTING A VARIANCE
FROM SECTION 6-6C-7 (R2: YARD REQUIREMENTS) OF THE NAPERVILLE
MUNICIPAL CODE FOR LOT 71, 72, 73, 80 AND 81
OF THE ASHWOOD CROSSING SUBDIVISION**

WHEREAS, Pulte Home Company, LLC (“Petitioner”), is the owner of real property located at the southwest corner of 9th Street and 248th Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”), and has petitioned the City of Naperville for approval of interior side yard setback variances for said property; and

WHEREAS, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is currently vacant; and

WHEREAS, the Petitioner proposes to construct an age-restricted duplex residence on each of Lots 71, 72, 73, 80 and 81 in the Ashwood Crossing Subdivision; and

WHEREAS, on February 21, 2017, the City Council passed Ordinance 17-022 granting a variance from Section 6-6C-7 (R2: Yard Requirements) of the Naperville Municipal Code for Lots 1 through 61 of the Ashwood Crossing Subdivision; and

WHEREAS, per Municipal Code Section 6-6C-7 (R2 Yard Requirements) the minimum interior side yard setback shall be 16' total for 2 side yards with each side yard minimum of 6' in the R2 district; and

WHEREAS, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Municipal Code Section 6-6C-7 (R2: Yard Requirements) to allow minimum 5' interior side yard setbacks for a total minimum of 10' on Lots 71, 72, 73, 80 and 81 in the Ashwood Crossing Subdivision; and

WHEREAS, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

WHEREAS, on February 6, 2018, the Planning and Zoning Commission conducted a public hearing to consider the Petitioner's request for the Subject Property and recommended approval of the request; 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Section 6-6C-7 (R2 Yard Requirements) of the Naperville Municipal Code to allow for minimum 5' interior side yard setbacks for a total minimum of 10' on Lots 71, 72, 73, 80 and 81 in the Ashwood Crossing Subdivision is hereby granted.

SECTION 3: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building 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 4: 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 5: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

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: 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.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk