

PIN: 07-01-08-400-007
07-01-08-400-016

ADDRESS:
ASHWOOD PARK NORTH UNIT 4

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 #17-1-062

ORDINANCE NO. 17 - _____

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-12 (FENCES) OF THE NAPERVILLE MUNICIPAL CODE
FOR ASHWOOD PARK NORTH UNIT 4**

WHEREAS, Blue Ashwood LLC ("Petitioner"), is the owner of the real property located at Ashwood Park North Unit 4, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), and has petitioned the City of Naperville for approval of a fence variance to allow for construction of a fifteen-foot (15') fence to be erected on top of a berm measuring approximately six-feet (6') in height for said property; and

WHEREAS, the Subject Property is currently zoned R1A (Low Density Single Family Residence District), and is generally located west of 248th Avenue, north of Chinaberry Lane, east of Normantown Road, and south of Wolf's Crossing Road; and

WHEREAS, the Subject Property is approximately 31.9 acres and consists of 66 single-family residential lots; and

WHEREAS, the Petitioner intends to construct the fifteen-foot (15') fence on an existing six-foot (6') berm along the western boundaries of the Ashwood Park North Unit 4 Subdivision, in order to provide a visual and partial noise buffer for the residential properties from the EJ & E Railway (Elgin, Joliet and Eastern Railway); 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 Section 6-2-12 (Fences) of the Naperville Municipal Code to allow for the construction of a fifteen-foot (15') tall fence to be erected on top of a berm measuring approximately six-feet (6') in height on the Subject Property on the vacated Normantown Road right-of-way (the vacation will take place through a separate process) along the western boundaries of Ashwood Park North Unit 4 as depicted on the Site Plan attached hereto as **Exhibit B**; and

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

WHEREAS, on July 19, 2017, the Planning and Zoning Commission considered the requested fence variance and recommended approval of the Petitioner's 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 6-2-12 (Fences) of the Naperville Municipal Code to allow for the construction of a 15’ tall fence to be erected on top of a berm measuring appropriately 6’ in height on the Subject Property along the western boundaries of Ashwood Park North Unit 4, as depicted on the Site Plan attached hereto as **Exhibit B** and portrayed in **Exhibit D** (“Images”).

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 _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk