

PIN:
12-05-405-017

ADDRESS:
937 LEHIGH CIRCLE
NAPERVILLE, IL 60565

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 #18-1-107

ORDINANCE NO. 18 -

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-12 (FENCES) OF THE NAPERVILLE MUNICIPAL CODE FOR THE
PROPERTY LOCATED AT 937 LEHIGH CIRCLE**

WHEREAS, Kevin and Bridget Dunne (hereinafter referenced as "Owner" and also as "Petitioner") have petitioned the City of Naperville for approval of a variance from Section 6-2-12 (Fences) of the Naperville Municipal Code to permit the installation of an eight-foot fence along the subject property's Royce Road frontage (the rear property line) for the property located at 937 Lehigh Circle, Naperville ("Subject Property"), legally described in **Exhibit A**, and depicted on **Exhibit B** (Plat of Survey); and

WHEREAS, the Subject Property is zoned R1B and is improved with a single-family home; and

WHEREAS, Municipal Code Section 6-2-12 (Fences) of the Naperville Municipal Code permits fences on residential properties to be up to six feet in height, unless the residential property line abuts a nonresidential use or a major arterial roadway; and

WHEREAS, within the City of Naperville, Royce Road is classified as a collector street and residential fences are permissible to a height of six feet; and

WHEREAS, the Petitioner has requested approval of a variance to permit the installation of an eight-foot fence along the Subject Property's Royce Road frontage to mitigate the impacts of truck traffic on the Subject Property; and

WHEREAS, the requested variance meets the Standards for Granting a Variance as set forth in **Exhibit C** attached hereto; and

WHEREAS, on December 5, 2018, the Planning and Zoning Commission considered the Petitioner's request and recommended approval of a variance to permit the installation of an eight-foot fence along the Subject Property's Royce Road frontage (rear property line); and

WHEREAS, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

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 herein as though fully set forth.

SECTION 2: A variance from 6-2-12 (Fences) of the Naperville Municipal Code to permit the installation of an eight-foot fence along the Subject Property's Royce Road frontage (rear property line) is hereby granted as depicted on **Exhibit B** (Plat of Survey) and **Exhibit D** (Fence Type).

SECTION 3: The variance approved by this Ordinance shall be subject to revocation for the failure to comply with all other applicable conditions set forth in the city's zoning regulations and all other applicable laws and ordinances.

SECTION 4: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk