

PIN: 08-08-101-017

ADDRESS:  
719 CENTER ST.  
NAPERVILLE, IL 60563

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 60566-7020

PZC Case #21-1-121

**ORDINANCE NO. 22 - \_\_\_\_\_**

**AN ORDINANCE GRANTING A TEMPORARY USE  
FOR A FENCE TO REMAIN ON LOT 2 OF  
THIS IS NOT MY YARD SUBDIVISION (719 CENTER STREET)**

**RECITALS**

1. **WHEREAS**, Louis and Dara DeLorenzo, ("**Owners**" and "**Petitioners**"), are the owners of the property located at 719 Center Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and the north half of the lot is improved with a single-family residence, a detached garage, brick paver patio, and asphalt surface while the south half is improved with a 6' board on board fence; and
3. **WHEREAS**, the Owners and Petitioners have requested the City to approve an Ordinance Approving a Preliminary/Final Plat of Subdivision in order to subdivide the Subject Property into two (2) lots to allow for construction of a new single-family residence on the proposed Lot 2; and

4. **WHEREAS**, the Owners and Petitioners are requesting approval of a temporary use through July 4, 2023 to allow the existing 6' board on board fence (as depicted on the site plan attached as **Exhibit C** and defined as "**Fence Improvement**") to remain on proposed Lot 2 after subdivision of the Subject Property, after which Fence Improvement will not be in compliance with Section 6-2-10:6 (Accessory Structures and Uses of Land: Time of Construction) of the Naperville Municipal Code which requires a principal structure to be established prior to construction of an accessory structure; and
5. **WHEREAS**, pursuant to Section 6-2-11 of the Naperville Municipal Code, temporary uses may be approved for a period of time which exceeds six (6) months if the use does not have an adverse impact on the surrounding properties, public health, safety and general welfare; and
6. **WHEREAS**, the City Council has determined that the requested temporary use on the Subject Property will not have an adverse impact on surrounding properties and that said temporary use should be granted as provided herein; and
7. **WHEREAS**, this Ordinance shall be recorded with the DuPage County Recorder after the Ordinance Approving a Preliminary/Final Plat of Subdivision for the Subject Property is recorded as provided therein.

**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 temporary use to allow the Fence Improvement to remain on Lot 2 of This is Not My Yard Subdivision through July 4, 2023 is granted upon recordation of this Ordinance as provided herein, subject to the following conditions:

1. The Fence Improvement, depicted on the site plan attached hereto as **Exhibit C**, shall be permitted to remain on Lot 2 of This is Not My Yard Subdivision until July 4, 2023 subject to compliance with the requirements of the Naperville Municipal Code, as amended from time to time, including but not limited to all applicable building codes. Said Fence Improvement shall be completely removed from Lot 2 on or before July 4, 2023 unless it has been brought into compliance with the Naperville Municipal Code by virtue of construction of a principal structure on Lot 2.
2. Prior to any conveyance of Lot 2, the Owners and Petitioners are required to give written notification of this Ordinance to the purchaser and shall provide written evidence that such notice has been given as provided therein.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** 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 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder as set forth in Recital 7 herein.

**SECTION 6:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk