

PIN: 07-10-100-002

ADDRESS:
1505 MCDOWELL ROAD
NAPERVILLE, IL 60563

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 #18-1-144

**ORDINANCE NO. 19 -
AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12 OF
TITLE 6 (ZONING REGULATIONS) OF
THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
1505 MCDOWELL ROAD (ISCKON TEMPLE)**

WHEREAS, ISKCON Temple of Greater Chicago (“Petitioner”) has petitioned the City of Naperville to grant a variance from Section 6-2-12 (General Zoning Provisions: Fences) of the Naperville Municipal Code for the height a fence for the real property located at 1505 McDowell Road, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the Subject Property is zoned OCI (Office, Commercial, and Institutional District) and is improved with frame and brick structure used as a religious institution; and

WHEREAS, the Petitioner intends to construct an addition on the existing structure and in conjunction with that improvement requests to construct a 5’ tall wrought iron fence with a gate in the front yard; and

WHEREAS, Municipal Code Section 6-2-12:2.1 (Fences) permits fences up to 3’ in height to be located in the required front yard; and

WHEREAS, the requested fence will not interfere with sight lines and will not be a substantial detriment to the adjacent property; and

WHEREAS, on May 1, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 18-1-144 and recommended approval of the request; and

WHEREAS, the requested variance meets the standards for granting a variance as provided in **Exhibit C** attached hereto; 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-2-12:2.1 (General Zoning Provisions: Fences) of the Naperville Municipal Code is hereby granted to permit a 5' tall wrought iron fence in the required front yard, as depicted on the Site Plan attached hereto as **Exhibit B**, subject to the following condition:

1. The fence cannot be replaced with a privacy (solid style) fence; the fence must remain decorative in style; and
2. A key box shall be mounted on the gate for the Fire Department's use; and
3. The gate should not be locked until the sprinkler system is installed. A lock box should also be installed on the building; and
4. The fence must comply with all conditions of the DuPage County Stormwater Management Certification Application No. SM2019-0006.

SECTION 3: Any additional variances other than that approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance to be processed.

SECTION 4: The variance approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 5: 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 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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 8: 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