

PINs:
08-19-219-003
08-19-219-004

ADDRESS:
7S345 COLUMBIA STREET
NAPERVILLE, IL 60540

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 #21-1-119

ORDINANCE NO. 22 - _____

**AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT 7S345 COLUMBIA STREET TO
R1A (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)**

ROCAS HILL SUBDIVISION

RECITALS

1. **WHEREAS**, Pradip Shah, Sandhya Shah, Nimisha Pavone, and Anthony Pavone, 1048 Whitewater Lane, Naperville, IL 60540, are the owners ("**Owners**") of real property located at 7S345 Columbia Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is presently zoned R-4 in unincorporated DuPage County and is improved with a single-family residence; and
3. **WHEREAS**, the Owners have petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and zoning the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation in order to subdivide the Subject Property from one (1) lot to two (2) lots and construct two (2) new single-family residences; and

4. **WHEREAS**, the Owners have requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, approving an annexation agreement for the Subject Property, and approving a preliminary/final plat of subdivision with a deviation to the ninety percent (90%) rule (hereinafter cumulatively referenced herein as the “**Rocas Hill Subdivision Ordinances**”); and
5. **WHEREAS**, the Owners have requested that the City delay recordation of the Rocas Hill Subdivision Ordinances with the DuPage County Recorder until on or before September 2, 2022 to allow the Owners to demolish the existing single-family residence on the Subject Property prior to annexation of the Subject Property to the City; and
6. **WHEREAS**, subject to approval of the Rocas Hill Subdivision, the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Rocas Hill Subdivision Ordinances are not recorded on or before September 2, 2022, the City and Owners agree that the Rocas Hill Subdivision Ordinances, including but not limited to this Ordinance, shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Owners; and
7. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, on January 5, 2022, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Owners’ request; and

9. **WHEREAS**, the City Council of the City of Naperville has determined that the Owners' request should be granted as provided herein; and

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: If recordation of the Rocas Hill Subdivision Ordinances, including but not limited to this Ordinance, does not occur on or before September 2, 2022, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or Owners. Owners have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Rocas Hill Subdivision Ordinances are not recorded on or before September 2, 2022.

SECTION 3: Subject to approval, execution, and recordation of the Rocas Hill Subdivision Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1A (Low Density Single-Family Residence District) in the City of Naperville.

SECTION 4: The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The Owners shall provide written confirmation of demolition of the existing home on the Subject Property to the Zoning Administrator and submit a properly

executed Annexation Agreement to the City. The Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, and subject to the provisions of Section 3 below, the City Clerk is then authorized and directed to record the Rocas Hill Subdivision Ordinances, including their Exhibits, with the DuPage County Recorder in the following order: (1) Annexation; (2) Annexation Agreement; (3) Rezoning; and (4) Preliminary/Final Plat of Subdivision and Deviation.

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 take 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