

**PINs:**  
**07-13-320-016**

**ADDRESS:**  
**724 JACKSON AVENUE**  
**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 #18-1-136**

**ORDINANCE NO. 19 -**

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION  
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AND A VARIANCE  
TO MUNICIPAL CODE SECTION 7-4-4:2.4 FOR  
D&K WAKE RESUBDIVISION**

**WHEREAS**, Lenahan Builders Inc. ("Petitioner"), has submitted a petition to the City of Naperville for real property located south of Jackson Avenue, west of West Street, Naperville, Illinois, commonly known as 724 Jackson Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, Richard W. Wake as Trustee of the Richard W. Lake Living Trust dated December 11, 2006 is the owner of the Subject Property; and

**WHEREAS**, the Subject Property is currently zoned R1B (Medium Density Single-Family District) and is improved with a single-family residence; and

**WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision and the Owner's Acknowledgement and Acceptance

for D&K Wake Resubdivision to allow for subdivision of the existing lot into two lots in order to construct a new single-family residence; and

**WHEREAS**, the Petitioner has also petitioned the City of Naperville for approval of a variance to Section 7-4-4:2.4 (Land Use: Ninety Percent Rule) of the Municipal Code, to the 90% rule requirements; and

**WHEREAS**, per the 90% rule requirements, the required minimum lot size for the Subject Property 12,225 square feet. As proposed, Lot 1 is 10,808 square feet, which is below the minimum required lot size; and

**WHEREAS**, in conjunction with the current request, the Petitioner is also requesting approval of an Ordinance granting a variance to Section 6-6B-7:1 (R1B: Setback Requirements) of the Naperville Municipal Code in order reduce the required post-1989 interior side yard setback requirements and permit the existing single-family home to be located 6' from the east and west property lines of Lot 1; and

**WHEREAS**, on September 4, 2019, the Planning and Zoning Commission conducted a public hearing to consider the requested Preliminary/Final Plat of Subdivision with a variance to Section 7-4-4:2.4 for the Subject Property, and based on the standards attached hereto as **Exhibit C** recommended approval of the Petitioner's request; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Subdivision for D&K Wake Resubdivision should be approved 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:** The Preliminary/Final Plat of Subdivision with a variance to Section 7-4-4:2.4 for D&K Wake Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** The Owner's Acknowledgement and Acceptance, attached to this Ordinance as **Exhibit D**, is hereby approved.

**SECTION 4:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance, the Preliminary/Final Plat of Subdivision for D&K Wake Resubdivision, and the Owners Acknowledgement and Acceptance, approved by this Ordinance, with the DuPage 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 \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk