

**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 APPROVING A DEVIATION TO MUNICIPAL CODE**  
**SECTION 7-4-4:2.4 AND THE PRELIMINARY/FINAL PLAT OF SUBDIVISION**  
**(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 Owners have petitioned the City of Naperville ("**City**") for approval of the Preliminary/Final Plat of Rocas Hill Subdivision and intend to subdivide the Subject Property from one (1) lot into two (2) lots ("**Lot 1**" and "**Lot 2**") in order to construct two (2) single-family residences; and

3. **WHEREAS**, Lot 1 and Lot 2 are required to meet both the R1A minimum lot size of 10,000 square feet and conform to Section 7-4-4:2.4 of the Naperville Municipal Code which states that the minimum lot size of any single-family residential lot that results from the resubdivision of an existing lot shall be equal to or greater than ninety percent (90%) of the mean of all the incorporated single-family residential lots within three hundred feet (300') of proposed lot (the "**Ninety Percent Rule**"); and
4. **WHEREAS**, upon subdivision, Lot 1 and Lot 2 will both meet the R1A minimum lot size of 10,000 square feet; and
5. **WHEREAS**, upon subdivision, Lot 1 will not meet the requirements of the Ninety Percent Rule since it will be 11,614 square feet (955 square feet less than the required minimum lot size of 12,569 square feet based on the Ninety Percent Rule); and
6. **WHEREAS**, the Owners request a deviation from the Ninety Percent Rule to allow Lot 1 to be comprised of 11,614 square feet instead of the 12,569 square feet that would be required under the Ninety Percent Rule; and
7. **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 rezoning of the Subject Property (hereinafter cumulatively referenced herein as the "**Rocas Hill Subdivision Ordinances**"); and
8. **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

9. **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
10. **WHEREAS**, the requested deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; and
11. **WHEREAS**, on January 5, 2022, the Planning and Zoning Commission considered the requested deviation and recommended approval of the Owners' request; and
12. **WHEREAS**, the City Council of the City of Naperville has determined that the deviation to Section 7-4-4:2.4 of the Municipal Code and the Preliminary/Final Plat of Subdivision for Rocas Hill Subdivision 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 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 the 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 Preliminary/Final Plat of Subdivision for Rocas Hill Subdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 4:** Subject to approval, execution, and recordation of the Rocas Hill Subdivision Ordinances, a deviation to Section 7-4-4:2.4 (Ninety Percent Rule) of the Municipal Code in order to reduce the minimum lot size for Lot 1 of the Rocas Hill Subdivision from 12,569 square feet to 11,614 square feet is hereby approved.

**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