

PIN: 08-18-123-034

ADDRESS:
610 N. SLEIGHT STREET
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 #20-1-067

ORDINANCE NO. 20 -

**AN ORDINANCE GRANTING A TEMPORARY USE
TO PERMIT EXISTING IMPROVEMENTS TO REMAIN ON LOT 1
OF WALDRON RESUBDIVISION (610 N. SLEIGHT STREET)**

RECITALS

1. **WHEREAS**, Daniel B. Waldron and Stephanie C. Waldron, Trustees of the Waldron Family 2014 Trust dated May 1, 2014, ("**Owners and Petitioners**"), have petitioned the City of Naperville for approval of a temporary use to permit existing improvements to remain for a period of two years on Lot 1 of Waldron Resubdivision legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") through November 17, 2022; and
2. **WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single Family Residence District) and is currently improved with a single-family residence, a horseshoe driveway, and the north half of the lot is comprised of accessory structures and open space; and
3. **WHEREAS**, the Owners and Petitioners have requested the City approve this ordinance along with an ordinance approving a Preliminary/Final Plat of Subdivision

and OAA and an ordinance approving a lot width variance (hereinafter cumulatively referenced herein as the “**Waldron Resubdivision Ordinances**”) in order subdivide the existing lot into two lots to allow for construction of a new single family on the north half of the lot; and

4. **WHEREAS**, the Owners and Petitioners are requesting approval of a temporary use through November 17, 2022 to allow an existing fireplace, sections of the existing brick walls and columns, a portion of the existing driveway on Lot 1, and the driveway apron adjacent thereto as depicted on the site plan attached as **Exhibit C** and defined as “**Remaining Improvements**”, to remain after subdivision of the property which is not in compliance with Section 6-2-10:6 (Accessory Structures and Uses of Land: Time of Construction) of the Municipal Code which requires a principal structure to be established prior to construction of an accessory structure; and
5. **WHEREAS**, any accessory structures which currently exist on Lot 1 that are not depicted on **Exhibit C** are not permitted through approval of the temporary use and must be removed prior to recordation of the Subdivision Plat; and
6. **WHEREAS**, granting approval of this temporary use does not permit parking on the driveway portion of the Remaining Improvements on Lot 1; and
7. **WHEREAS**, pursuant to Section 6-2-11, 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
8. **WHEREAS**, the City Council has determined that the temporary use 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 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 Remaining Improvements to remain on Lot 1 of Waldron Resubdivision through November 17, 2022 is hereby granted, subject to the following conditions:

1. The Owners and Petitioners shall remove all other existing structures which currently exist on Lot 1, but are not depicted on the site plan attached hereto as **Exhibit C** prior to recordation of the Subdivision Plat.
2. Subject to compliance with the requirements of the Naperville Municipal Code, including but not limited to all applicable building codes, the Remaining Improvements, depicted on the site plan attached hereto as **Exhibit C**, shall be permitted to remain on Lot 1 of the Waldron Resubdivision until November 17, 2022. Said Remaining Improvements shall be completely removed from Lot 1 on or before December 31, 2022 unless they have been brought into compliance with the Naperville Municipal Code by virtue of construction of a principal structure on Lot 1.
3. Approval of this temporary use ordinance does not permit parking on the driveway portion of the Remaining Improvements located on Lot 1 of the Waldron Resubdivision. Parking on the driveway located on Lot 1 of the Waldron Resubdivision may be subject to enforcement through prosecution of ordinance violations.
4. Prior to any conveyance of Lot 1, the Owners and Petitioners are required to give written notification to the purchaser as set forth in the Owner's Acknowledgement and Acceptance agreement attached to the Ordinance Approving the Preliminary/Final Plat of Subdivision and shall provide evidence that such notice has been given as provided therein.

SECTION 3: Subject to approval, execution, and recordation of the Waldron Resubdivision Ordinances and the Owners Acknowledgement and Acceptance Agreement, the temporary use described herein is granted as provided herein.

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 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 _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk