

PIN: 08-18-328-021

**ADDRESS:
424 EAST CHICAGO 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 #20-1-093

ORDINANCE NO. 21 -

**AN ORDINANCE GRANTING A TEMPORARY USE
TO PERMIT EXISTING IMPROVEMENTS TO REMAIN ON LOT 2
OF THE C. COBB SUBDIVISION (424 EAST CHICAGO AVENUE)**

RECITALS

1. **WHEREAS**, Christopher Cobb, ("**Owner** and **Petitioner**"), is the owner of real property legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") located in the City of Naperville ("**City**"); and
2. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is currently improved with a single-family residence, a detached garage, and the east half of the lot is comprised of accessory structures and open space; and
3. **WHEREAS**, the Owner and Petitioner has separately requested the City to approve an Ordinance Approving an Encroachment License Agreement, and an Ordinance Approving a Preliminary/Final Plat of Subdivision and Owner's Acknowledgement and Acceptance Agreement in order to subdivide the Subject Property into two (2)

lots to allow for construction of a new single-family residence on the proposed Lot 2;
and

4. **WHEREAS**, the Owner and Petitioner has also petitioned the City of Naperville for approval of a temporary use to allow an existing iron fence with stone pillars, a wall, and a PVC fence to remain on proposed Lot 2 after subdivision of the Subject Property (as depicted on the site plan attached as **Exhibit C**, and defined as “**Existing Improvements**” in the Owner’s Acknowledgement and Acceptance Agreement) through February 16, 2023, which Existing Improvements will not be in compliance with Section 6-2-10:6 (Accessory Structures and Uses of Land: Time of Construction) of the Naperville Municipal Code which requires a principal structure to be established prior to construction of an accessory structure; and
5. **WHEREAS**, pursuant to Section 6-2-11 of the Naperville Municipal Code, 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
6. **WHEREAS**, the City Council has determined that the requested temporary use on the Subject Property will not have an adverse impact on surrounding properties and that said temporary use should be granted as provided herein; and
7. **WHEREAS**, this Ordinance shall be recorded with the DuPage County Recorder after the Ordinance Approving a Preliminary/Final Plat of Subdivision and Owner’s Acknowledgement and Acceptance Agreement for the Subject Property is recorded as provided therein.

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 Existing Improvements to remain on Lot 2 of the C. Cobb Subdivision through February 16, 2023 is granted upon recordation of this Ordinance as provided herein, subject to the following conditions:

1. The Existing Improvements, depicted on the site plan attached hereto as **Exhibit C**, shall be permitted to remain on Lot 2 of the C. Cobb Subdivision until February 16, 2023 subject to compliance with the requirements of the Naperville Municipal Code, as amended from time to time, including but not limited to all applicable building codes, and subject to compliance with the terms of the Owner's Acknowledgment and Acceptance Agreement attached to the Ordinance Approving a Preliminary/Final Plat of Subdivision for the Subject Property. Said Existing Improvements shall be completely removed from Lot 2 on or before February 16, 2023 unless they have been brought into compliance with the Naperville Municipal Code by virtue of construction of a principal structure on Lot 2.
2. Prior to any conveyance of Lot 2, the Owner and Petitioner is 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 for the Subject Property and shall provide written evidence that such notice has been given as provided therein.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: 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 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder as set forth in Recital 7 herein.

SECTION 6: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, PhD.
City Clerk