

PIN:
08-33-114-041

ADDRESS:
1740 RUTGERS COURT
NAPERVILLE, IL 60565

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 #19-1-069

ORDINANCE NO. 19 - _____

**AN ORDINANCE APPROVING A MAJOR CHANGE TO THE UNIVERSITY HEIGHTS
UNIT 2 PUD IN ORDER TO GRANT DEVIATIONS AT THE SUBJECT PROPERTY
LOCATED AT 1740 RUTGERS COURT**

WHEREAS, Tiffany Jasionowski ("Petitioner") has petitioned the City of Naperville for approval of a major change to a Planned Unit Development in order to grant a deviation to reduce the platted building setback and the corner side yard setback for property located at 1740 Rutgers Court, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Cynthia Jasionowski ("Owner") is the owner of the Subject Property;
and

WHEREAS, the Subject Property was platted in 1979 with a 20' building line along the west and north property lines and is improved with a single-family residence; and

WHEREAS, the Subject Property is zoned R1B (Medium Density Single-Family Residence District), which requires a 15' corner side yard setback; and

WHEREAS, on October 22, 1979, the City Council of the City of Naperville passed Ordinance 79-133, authorizing a planned unit development and approving a reduced corner side yard setback of 10'; and

WHEREAS, on March 20, 2019, the Petitioner submitted a building permit application depicting the above ground pool located in compliance with both the 20' platted building line and the 10' corner side yard setback; and

WHEREAS, on April 9, 2019, the City of Naperville issued building permit 19-0584; and

WHEREAS, upon inspection, City staff found the above ground pool was located 5.9' from the corner side yard property line and was not in compliance with the approved permit 19-0548; and

WHEREAS, the Petitioner requests approval of deviation to reduce the required 10' corner side yard setback per Section 6-2-3 (Yard Requirements) and a deviation to Section 7-1-13 (Platted Setbacks and Building Lines) to reduce the 20' platted building line to allow the above ground pool to remain located 5.9' from the corner side property line; and

WHEREAS, the deviation requests will require approval of a major change to the University Heights Unit 2 PUD per Section 6-4-6 (Changes to a Final PUD Plat); and

WHEREAS, the requested amendment to the PUD meets the Standards for Amending a PUD and the Standards for Deviation to a PUD as provided in **Exhibit C** attached hereto; and

WHEREAS, on August 7, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-069 and recommended approval of the petitioner's request; and

WHEREAS, the City Council has determined that the Petitioner's request 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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A major change to the University Heights Unit 2 Planned Unit Development in order to grant a deviation to reduce the required corner side yard setback from 10' to 5.9' in order to allow an above ground pool to remain in place on the Subject Property is hereby approved.

SECTION 3: A deviation to Section 7-1-13 (Platted Building Lines and Setbacks) in order to allow an above ground pool to encroach 14.1' into the 20' platted building line on the Subject Property is hereby approved.

SECTION 4: The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 5: The Petitioner is subject to penalties and fines including double the cost for inspections and administrative fees in accordance with Section 114.4 Violation Penalties of Title 5 (Building Code). At this time, the Petitioner has paid for the cost of one inspection fee and one administrative review fee.

SECTION 6: Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance and/or deviation to be processed.

SECTION 7: This deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 8: 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 9: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 10: 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.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk