

PIN: 08-19-218-023

ADDRESS:
26W028 PARKSIDE ROAD
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-046

ORDINANCE NO. 24 - ____

AN ORDINANCE REZONING THE PROPERTY
LOCATED AT 26W028 PARKSIDE ROAD TO
R1A (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)

RECITALS

1. **WHEREAS**, Dong Hua Investment Company, LLC, 840 Equity Drive, Saint Charles, Illinois 60174, is the owner (referenced herein as “**Owner**”) of real property located at 26W028 Parkside Road, Naperville, Illinois 60540, legally described on Exhibit A and depicted on Exhibit B (“**Subject Property**”); and
2. **WHEREAS**, Mathieson House, LLC d/b/a M House, 710 East Ogden Avenue, #250, Naperville, Illinois 60563 (“**Petitioner**”), has been authorized by the Owner to submit the petition for rezoning of the Subject Property; and
3. **WHEREAS**, the Subject Property is presently zoned R-4 in unincorporated DuPage County and is currently vacant; and
4. **WHEREAS**, the Petitioner has submitted a petition for rezoning of the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation into City of Naperville in order to construct a new single-family residence; and

5. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
6. **WHEREAS**, the Petitioner has requested that the City approve this ordinance ("**Ordinance**") rezoning the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation, along with ordinances approving an annexation agreement and annexation for the Subject Property (hereinafter cumulatively referenced herein as the "**26W028 Parkside Road Ordinances**"); and
7. **WHEREAS**, the property is not currently a legal lot of record and administrative approval of a subdivision plat is required to record the property as such; and
8. **WHEREAS**, on June 19, 2024, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the request; and
9. **WHEREAS**, the City Council of the City of Naperville 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Subject to approval, execution, and recording of the 26W028 Parkside Road Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1A (Low Density Single-Family Residence District) upon

annexation in the City of Naperville subject to the condition that a plat of subdivision for the subject property shall be recorded prior to issuance of any City building permits.

SECTION 3: Upon recordation of the 26W028 Parkside Road Ordinances, the Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

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: Upon confirmation from the City Attorney that the terms and conditions set forth or reference herein have been fulfilled, the City Clerk is authorized and directed to record this Ordinance, together with the exhibit attached hereto, with the DuPage County Recorder.

SECTION 7: If this Ordinance and the Rezoning it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance and the rezoning it approves shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

SECTION 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk