

PINS:

07-13-410-008
07-13-410-009
07-13-410-010
07-13-410-014

ADDRESSES:

109, 129, 133 W BENTON AVENUE
5 N MAIN STREET
NAPERVILLE, IL 60540

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #DEV-0109-2025

ORDINANCE NO. 26 - _____

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF RESUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
BENTON AND MAIN**

RECITALS

1. **WHEREAS**, Calvary Temple Church of Naperville, 9S200 South Route 59, Naperville, IL 60564, is the owner ("**Owner**") of approximately 0.82 acres of real property located at the northwest corner of Benton Avenue and Main Street with common addresses of 109, 129, and 133 W Benton Avenue and 5 N Main Street as depicted on **Exhibit A** and legally described on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the Owner has authorized M/I Homes of Chicago, LLC, a Delaware limited liability company, 2135 City Gate Lane, Suite 620, Naperville, IL 60563, ("**Petitioner**" and contract purchaser of the Subject Property), to seek entitlements

to allow redevelopment of the Subject Property with seven single-family attached dwelling units (one building) and four duplex dwelling units (two buildings), for a total of eleven dwelling units, to be known as Benton and Main (“**Benton and Main**”).

3. **WHEREAS**, Petitioner has petitioned the City of Naperville (“**City**”) for approval of a Preliminary/Final Plat of Resubdivision for Benton and Main to subdivide the Subject Property into three lots and one outlot (“**Subdivision**”).
4. **WHEREAS**, seven single-family attached dwelling units (one building) will be located on Lot 3 of the Subdivision lots; four duplex dwelling units (two buildings) will be located on Lot 1 and Lot 2 of the Subdivision lots; and a shared driveway, guest parking, and sidewalk will be located on the Subdivision outlot.
5. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) and an ordinance approving a conditional use for a planned unit development (“**PUD**”), a preliminary/final PUD plat with various zoning deviations and a deviation from the Downtown Streetscape Standards (adopted in 2019) (together hereinafter referenced as the “**Benton and Main Ordinances**”).
6. **WHEREAS**, the Subject Property is zoned TU (Transitional Use) district in the City and will be developed as a planned unit development (“**PUD**”) in accordance with Section 6-4-3 (PUD/Design Standards and Criteria) and Section 7-1-3 (Subdivision Regulations/Applicability, Compliance and Definitions) of the Naperville Municipal Code.
7. **WHEREAS**, the Petitioner has requested that the City delay recordation of the Benton and Main Ordinances with the DuPage County Recorder until such time as

Petitioner acquires ownership of the Subject Property, which period of time shall not exceed three months after their approval by the City Council (the “**Recording Timeframe**”).

8. **WHEREAS**, subject to approval of the Benton and Main Ordinances, the City has agreed to the Recording Timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that both of the Benton and Main Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Benton and Main Ordinances shall not become effective, shall not be recorded, and shall be deemed to be automatically void and of no force or effect with no further action being taken by the City or Petitioner.
9. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, and subject to approval of the Benton and Main Ordinances, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Resubdivision for Benton and Main should be approved.

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 Benton and Main Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe as provided herein, then said Benton and Main Ordinances shall be deemed to be automatically null and void without any further action being required by the City or the Petitioner. Petitioner has

acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Benton and Main Ordinances are not recorded within the Recording Timeframe.

SECTION 3: Subject to City Council approval of the Benton and Main Ordinances and recordation thereof as provided herein, the Preliminary/Final Plat of Resubdivision for Benton and Main, attached to this Ordinance as **Exhibit B**, is approved as provided herein.

SECTION 4: Subject to City Council approval of the Benton and Main Ordinances and recordation thereof as provided herein, the Owner's Acknowledgement and Acceptance, attached to this Ordinance as **Exhibit C**, is approved as provided herein.

SECTION 5: The approvals granted herein shall not take effect until recordation of the Benton and Main Ordinances. Further, one or more of the approvals granted herein shall be subject to revocation by the City for failure to comply with applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 6: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

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. 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 DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk