

PIN: 07-13-426-009

ADDRESS:
415 JACKSON AVE
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 #22-1-094

ORDINANCE NO. 23 - _____

AN ORDINANCE REZONING THE PROPERTY
LOCATED AT 415 JACKSON AVE TO
B5 (SECONDARY DOWNTOWN DISTRICT)

RECITALS

1. **WHEREAS**, Randy Mueller of Mikols Construction ("**Petitioner**") has petitioned the City of Naperville for rezoning to B5 (Secondary Downtown) District of the real property located at 415 Jackson Avenue, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**"); and
2. **WHEREAS**, Mandel and Associates, Inc. ("**Owner**") is the Owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is presently zoned OCI (Office, Commercial and Institutional District) and improved with a single-story office building and a parking lot ("**Existing Improvements**"); and
4. **WHEREAS**, the Petitioner intends to demolish the Existing Improvements and construct a four (4) story multi-family residential building with six (6) condominium units on the Subject Property; and

5. **WHEREAS**, with the authorization of the Owner, Petitioner has requested that the Subject Property be rezoned from OCI (Office, Commercial and Institutional District) to B5 (Secondary Downtown District) pursuant to Section 6-3-7 (Rezoning) in order to conform with the recommendations of the City's Comprehensive Plan and to accommodate the proposed land use of multi-family residential; and
6. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
7. **WHEREAS**, on March 15, 2023, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner's request; and
8. **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: The Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to B5 (Secondary Downtown) District in the City of Naperville.

SECTION 3: 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: If this Ordinance and the rezoning it approves are not recorded with the DuPage County Recorder 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 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 Recorder in which the Subject Property is located within.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk