

**PINS:**  
08-32-105-001  
08-32-117-029

**ADDRESS:**  
9S364 NAPER BOULEVARD  
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 #17-1-101

**ORDINANCE NO. 18 - \_\_\_\_\_**

**AN ORDINANCE REZONING CERTAIN PROPERTY  
LOCATED AT THE SOUTHWEST CORNER OF NAPER BOULEVARD AND  
URSULINE AVENUE (AKA AUBURN MANOR) TO  
R3A (MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT)**

**WHEREAS**, DRH Cambridge Homes, Inc. ("Petitioner") has petitioned the City of Naperville for rezoning of the approximately 1.1 acre real property located at the southwest corner of Naper Boulevard and Ursuline Avenue with a common street address of 9s364 Naper Boulevard, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property") to R3A (Medium Density Multiple-Family Residence District) upon annexation; and

**WHEREAS**, the approximately 43,000 square foot north portion of the Subject Property (PIN 08-32-105-001) is currently zoned R-3 (Single Family Residence District) in unincorporated DuPage County, and the approximately 6,000 square foot south

portion of the Subject Property (PIN 08-32-117-029) is currently zoned R3 (Medium Density Multiple-Family Residence District) in the City of Naperville; and

**WHEREAS**, the Petitioner has petitioned the City of Naperville for annexation of the north portion of the Subject Property into the City of Naperville and zoning of the entirety of the Subject Property to R3A (Medium Density Multiple-Family Residence District) upon annexation; and

**WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on December 6, 2017, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner's request; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein; and

**WHEREAS**, Petitioner has requested that the City approve this ordinance ("Ordinance") along with ordinances approving an annexation agreement, approving annexation of the Subject Property, approving a preliminary/final plat of subdivision, and approving deviations to Municipal Code Section 7-3-5 (hereinafter cumulatively referenced herein as the "Auburn Manor Ordinances"); and

**WHEREAS**, Petitioner has requested that the City delay recordation of the Auburn Manor Ordinances with the DuPage County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner; and

**WHEREAS**, subject to approval of the Auburn Manor Ordinances the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Auburn Manor Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Auburn Manor Ordinances shall not be recorded, and shall be deemed to be automatically void with no further action being taken by the City or Petitioner.

**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 Auburn Manor Ordinances does not occur within twelve (12) months after passage of the Auburn Manor Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Auburn Manor Ordinances are not recorded within the timeframe described herein.

**SECTION 3:** Subject to approval, execution, and recordation of the Auburn Manor Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R3A (Medium Density Multiple-Family Residence District) in the City of Naperville.

**SECTION 4:** The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

**SECTION 5:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**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.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk