

PINS:

**01-14-300-005
01-14-300-013**

ADDRESS:

**3.8 ACRES OF VACANT PROPERTY LOCATED
NORTH OF 11007 S. BOOK ROAD
NAPERVILLE, IL 60564**

**.7 ACRES OF VACANT PROPERTY LOCATED
IMMEDIATELY ADJACENT TO AND NORTH OF
11007 S. BOOK ROAD
NAPERVILLE, IL 60564**

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 #19-1-09

ORDINANCE NO. 19 -

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF
NAPERVILLE, ILLINOIS, BY REZONING CERTAIN REAL PROPERTY LOCATED
NORTH OF 11007 S. BOOK (THE ENCLAVE ON BOOK) TO R1 (LOW DENSITY
SINGLE FAMILY RESIDENCE DISTRICT)**

WHEREAS, Zion Evangelical Lutheran Church (“Owner”) is the owner of the property located on the east side of Book Road, north of Hassert Boulevard commonly referred to as 11007 S. Book Road legally described as Parcel A on **Exhibit A** and JHL Developments LCC (“Owner”) is the owner of the real property legally described as Parcel B on **Exhibit A** of the real property, collectively referred to as the Subject Property depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the Subject Property is presently zoned A-1 (Agricultural) in unincorporated Will County and is currently vacant; and

WHEREAS, the prior ordinances approving the Enclave on Book, PZC 18-1-01, were revoked by the City Council of the City of Naperville on April 16, 2019; and

WHEREAS, with the approval and authorization of the Owners, McNaughton Development, Inc. (“Petitioner”), has petitioned the City of Naperville (“**City**”) for approval of zoning the Subject Property to R1 (Low Density Single Family Residence District) upon annexation through PZC 19-1-09; and

WHEREAS, the requested rezoning meets the Standards for Granting a Map Amendment as prepared by the Petitioner and provided in **Exhibit C** attached hereto; and

WHEREAS, the Petitioner intends to develop ten (10) single-family age-restricted single family houses on the Subject Property; and

WHEREAS, on March 20, 2019, the Planning and Zoning Commission conducted a public hearing to consider the requested rezoning for the Subject Property, and recommended approval of the Petitioner’s request; 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 variances (hereinafter cumulatively referenced herein as “**The Enclave on Book Ordinances**”); and

WHEREAS, Petitioner has requested that the City delay recordation of The Enclave on Book Ordinances with the Will County Recorder for a period of time until on or before July 31, 2019 to allow Petitioner time to acquire fee simple ownership of the Subject Property; and

WHEREAS, subject to approval of The Enclave on Book Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of The Enclave on Book Ordinances are not recorded on or before July 31, 2019, the City and Petitioner agree that The Enclave on Book 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: If recordation of The Enclave on Book Ordinances, including but not limited to this Ordinance, does not occur on or before July 31, 2019, 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 Enclave on Book Ordinances are not recorded on or before July 31, 2019.

SECTION 3: Subject to approval, execution, and recordation of The Enclave on Book Ordinances, including this Ordinance, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1 (Low Density Single-Family Residence District) in the City of Naperville.

SECTION 4: This Ordinance shall be subject to all conditions and requirements set forth herein, in The Enclave on Book Ordinances, and the Naperville Municipal Code, as amended from time to time.

SECTION 5: 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 certified copies of the Enclave on Book Ordinances, including this Ordinance, together with their exhibits attached, with the Will County Recorder.

SECTION 6: 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 7: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk