

**PINs: 08-08-106-009, 08-08-106-010**

**ADDRESS:  
5S275 AND 5S311 NAPERVILLE/WHEATON ROAD  
NAPERVILLE, IL 60563**

**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 #18-1-114**

**ORDINANCE NO. 19 -**

**AN ORDINANCE REZONING THE PROPERTY LOCATED  
AT 5S275 AND 5S311 NAPERVILLE/WHEATON ROAD (LEIGH SUBDIVISION) TO  
R3A (MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT)**

**WHEREAS**, Naperville Wheaton LLC ("Owner") is the owner of the real property located on the east side of Naperville/Wheaton Road, south of Ogden Avenue (Leigh Subdivision) which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Subject Property is currently zoned R3 in unincorporated DuPage County; and

**WHEREAS**, the Owner has petitioned the City of Naperville ("City") for rezoning of the Subject Property to R3A (Medium Density Multiple Family Residence District) upon annexation; 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**, on December 19, 2018 the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of PZC 18-1-114; and

**WHEREAS**, in addition to seeking approval of the rezoning provided for herein, Petitioner has also requested City approval of ordinances approving annexation, an annexation agreement, and a preliminary subdivision plat for the Subject Property; and

**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 herein. 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 R3A (Medium Density Multiple Family Residence 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 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 passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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