

PIN: 07-12-211-012

**ADDRESS:
27W130 BAUER 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 #21-1-063

ORDINANCE NO. 21 -

**AN ORDINANCE REZONING THE REAL PROPERTY
LOCATED AT 27W130 BAUER ROAD (ADLER POINT) TO
R1A (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)**

RECITALS

1. **WHEREAS**, Scott M. Barenbrugge, 2704 San Luis Court, Naperville, IL 60565, is the owner and petitioner (“**Owner** and **Petitioner**”) of real property located at 27W130 Bauer Road, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, the Subject Property is presently zoned R-3 in unincorporated DuPage County and improved with a single-family residence; and
3. **WHEREAS**, the Petitioner has submitted a petition to the City of Naperville requesting annexation of the Subject Property, a preliminary/final plat of subdivision and zoning the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation to allow for the existing single-family home to remain and to permit construction of two new single-family residences on separate lots; and

4. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
5. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving a preliminary/final plat of subdivision, an annexation agreement, and approving annexation of the Subject Property (hereinafter cumulatively referenced herein as the “**Adler Point Ordinances**”); and
6. **WHEREAS**, on October 6, 2021, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended denial of Petitioner’s request; and
7. **WHEREAS**, the City Council has reviewed the proposed request for rezoning and finds it to be compatible with the existing zoning of currently incorporated properties located on the north side of Bauer Road and consistent with the future land use recommendations in the East Sector Plan; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that 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 R1A (Low Density Single-Family Residence District) upon annexation 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: Subject to the confirmation by the City Attorney, that all conditions that are set forth herein have been fulfilled, the City Clerk is authorized and directed to record the Adler Point Ordinances, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney.

SECTION 6: If recordation of the Adler Point Ordinances, including but not limited to this Ordinance, does not occur within one (1) year of their approval by the Naperville City Council, then said Ordinances shall be deemed to be automatically null and void and of no force and effect without any further action being required by the City unless this Ordinance is amended by the City to extend such timeframe. The Owner and Developer 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.

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

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk