

**PINs:**  
**07-12-226-002**  
**07-12-209-022**

**ADDRESS:**  
**27W280 BAUER ROAD**  
**NAPERVILLE, IL 60563**

**PREPARED BY:**  
**CITY OF NAPERVILLE**  
**LEGAL DEPARTMENT**  
**630/420-4170**  
**400 SOUTH EAGLE STREET**  
**NAPERVILLE, IL 60540**

**RETURN TO:**  
**CITY OF NAPERVILLE**  
**CITY CLERK/COMMUNITY SERVICES DEPT.**  
**400 SOUTH EAGLE STREET**  
**NAPERVILLE, IL 60540**

**PZC Case #23-1-006**

**ORDINANCE NO. 23 - \_\_\_\_\_**

**AN ORDINANCE REZONING THE PROPERTY  
LOCATED AT 27W280 BAUER ROAD TO  
TU (TRANSITIONAL USE DISTRICT)**

**RECITALS**

1. **WHEREAS**, Mill and Bauer, LLC is the owner and petitioner ("**Owner and Petitioner**") is the owner of real property located at 27W280 Bauer Road, Naperville, Illinois, 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 is 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, approval of an annexation agreement, rezoning the Subject Property to TU (Transitional Use District) upon annexation, and a variance to the area requirements per the TU district regulations

to permit the demolition of the existing single family home and construction of ten single family attached dwelling units; and

4. **WHEREAS**, the request 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 annexation of the Subject Property, an annexation agreement, a preliminary/final subdivision plat, and a variance to the area requirements per the TU zoning district regulations (hereinafter cumulatively referenced herein as the “**Mill and Bauer Townhome Ordinances**”); and
6. **WHEREAS**, on July 18, 2023 the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request; and
7. **WHEREAS**, the City Council has reviewed the proposed request for rezoning and finds it to be consistent with the future land use recommendations in the Land Use Master 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 TU (Transitional Use) 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 Mill & Bauer Townhome 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 Mill and Bauer Townhomes 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. 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.

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Scott A. Wehrli  
Mayor

ATTEST:

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Dawn C. Portner  
City Clerk