

**PINS:**  
08-18-132-010  
08-18-132-011

**ADDRESSES:**  
209 N. BRAINARD ST  
213 N. BRAINARD ST  
NAPERVILLE, IL 60540

**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 #23-1-050

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

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION FOR 209 N. BRAINARD ST. AND 213 N. BRAINARD ST. (BUHR RESUBDIVISION)**

**RECITALS**

1. **WHEREAS**, Brian Ledebuhr and Meg Ledebuhr, 209 N. Brainard Street and 213 N. Brainard Street, Naperville, IL 60540 (“**Petitioners**” and “**Property Owners**”) own certain property located at 209 N. Brainard Street and 213 N. Brainard Street, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Petitioners have petitioned the City of Naperville for approval of a Preliminary/Final Plat of Resubdivision in order to create legal lots of record and to shift the lot line between the two lots; and
3. **WHEREAS**, following approval of the proposed Preliminary/Final Plat of Resubdivision, the existing accessory structures which are depicted on **Exhibit C** will

be nonconforming with Section 6-2-10 (Accessory Buildings, Structures and Uses of Land); and

4. **WHEREAS**, the Preliminary/Final Plat of Subdivision for Buhr Resubdivision is subject to the review and approval by the Naperville City Council per Section 7-2-2:5 (Subdivision Plat Procedures: Review) of the Naperville Municipal Code; and
5. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Buhr Resubdivision, attached to this Ordinance as **Exhibit B**, should be approved 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 Preliminary/Final Plat of Subdivision for Buhr Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved with the following condition:

1. Following approval of the Preliminary/Final Plat of Resubdivision for Buhr Resubdivision, the existing improvements depicted on the site plan attached as **Exhibit C** shall be subject to the provisions included in Section 6-2-19 (Existing Buildings and Structures) of the Naperville Municipal Code.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 5:** 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 6:** 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.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

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