

PIN: 08-28-200-022

ADDRESS:
8S201 COLLEGE ROAD
NAPERVILLE, IL 60540

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 #21-1-101

ORDINANCE NO. 22 -

**AN ORDINANCE REZONING THE PROPERTY
LOCATED AT 8S201 COLLEGE ROAD (TIMEC RESUBDIVISION) TO
E2 (MEDIUM DENSITY ESTATE DISTRICT)**

RECITALS

1. **WHEREAS**, Christopher B. Burke and Susan Burke, 8S201 College Road, Naperville, IL 60540, are the owners and developers (hereinafter "**Owners**") of real property located at 8S201 College Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Edmund Burke, 8S201 College Road, Naperville, IL 60540, ("**Petitioner**") has petitioned the City of Naperville ("**City**") for approval of annexation, an annexation agreement, rezoning, a preliminary/final plat of subdivision and a deviation for the Subject Property and has been authorized by the Owners to submit the subject petition; and
3. **WHEREAS**, the Subject Property is presently zoned R-1 in unincorporated DuPage County and improved with a single-family residence; and

4. **WHEREAS**, the Owners and Petitioner have petitioned the City of Naperville for rezoning of the Subject Property to E2 (Medium Density Estate District) upon annexation in order construct a single-family residence; and
5. **WHEREAS**, the Owners and Petitioner have also sought annexation, an annexation agreement, a preliminary/final plat of subdivision, and subdivision deviation for the Subject Property which are the subject of separate ordinances and together with this ordinance are collectively referenced as the “**8S201 College Road Ordinances**”; and
6. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
7. **WHEREAS**, on December 15, 2021, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request; and
8. **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 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 E2 (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: The City Clerk is authorized and directed to record the 8S201 College Road Ordinances and their exhibits with the DuPage County Recorder upon completed execution thereof in the following order: (1) Annexation Ordinance; (2) Annexation Agreement Ordinance; (3) Rezoning Ordinance; (4) Subdivision Deviation and Preliminary/Final Plat Ordinance.

SECTION 6: If recordation of the 8S201 College Road 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 upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk