

**PINs:**  
**07-24-400-001**

**ADDRESS:**  
**310 MARTIN AVENUE**

**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 #17-1-019**

**ORDINANCE NO. 17 - \_\_\_\_\_**

**AN ORDINANCE APPROVING DEVIATIONS TO MUNICIPAL CODE SECTION 7-3-5  
AND THE PRELIMINARY PLAT OF SUBDIVISION  
FOR NAPERVILLE ELDERLY HOMES LOCATED AT 310 MARTIN AVENUE**

**WHEREAS**, Naperville Elderly Homes Inc. ("Petitioner"), has petitioned the City of Naperville for approval a preliminary plat of subdivision for the approximately 3.3 acre property located at 310 Martin Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Petitioner has also petitioned the City of Naperville for approval of a deviation to Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) of the Municipal Code to waive the required school donation due to the age-restricted nature of the proposed development; and

**WHEREAS**, the Petitioner has also petitioned the City of Naperville for approval of a deviation to Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) of the Municipal Code to require construction of an accessible pathway from the Subject Property to connect with the path system within Knoch Park,

in lieu of the required cash park donation, due to the age-restricted nature of the proposed development; and

**WHEREAS**, the Petitioner has requested approval of the deviations to Municipal Code Section 7-3-5 and the Preliminary Plat of Subdivision for Naperville Elderly Homes to allow for development of 68 new senior apartments on Lot 2 of the Subject Property; and

**WHEREAS**, the City Council of the City of Naperville has determined that the deviations to Municipal Code Section 7-3-5 and the Preliminary Plat of Subdivision for Naperville Elderly Homes 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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** The Preliminary Plat of Subdivision for Naperville Elderly Homes, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** The deviation to Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) of the Municipal Code to waive the required School Donation is hereby approved.

**SECTION 4:** The deviation to Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) of the Municipal Code to require construction of an accessible pathway from the Subject Property to connect with the path system within Knoch Park, in lieu of the required cash park donation, and in accordance with

the letter from the Naperville Park District dated February 20, 2017 attached to this ordinance as **Exhibit C** is hereby approved.

**SECTION 5:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 6:** The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the DuPage County Recorder.

**SECTION 7:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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