

**PINs: 08-08-106-009, 08-08-106-010**

**ADDRESS:  
5S275 AND 5S311 NAPERVILLE/WHEATON 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 #18-1-114**

**ORDINANCE NO. 19 -**

**AN ORDINANCE APPROVING THE  
PRELIMINARY PLAT OF SUBDIVISION FOR  
LEIGH SUBDIVISION**

**WHEREAS**, Naperville Wheaton LLC ("Owner") is the owner of the real property located on the east side of Naperville/Wheaton Road, south of Ogden Avenue (Leigh Subdivision) which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a preliminary plat of subdivision for the Leigh Subdivision to allow for the development of 4 single-family homes on the Subject Property; and

**WHEREAS**, in addition to seeking approval of the preliminary plat of subdivision, Petitioner has also requested City approval of ordinances approving annexation, an annexation agreement, and rezoning to the R3A zoning district for the Subject Property; and

**WHEREAS**, a 30' building setback line is platted along the Subject Property's Naperville/Wheaton Road frontage per document 390671; and

**WHEREAS**, the Owner is dedicating an additional 7' of right-of-way for Naperville/Wheaton Road; and

**WHEREAS**, said right-of-way dedication will reduce the depth of the existing platted building setback line from 30' to 23', as depicted on **Exhibit B**; and

**WHEREAS**, per Section 7-1-13 of the Municipal Code, where a platted building or setback line is in conflict with the required yard provisions of Title 6, Zoning Regulations, the more restrictive requirement shall apply; and

**WHEREAS**, the proposed homes are therefore required to comply with the 25' zoning setback as required in the R3A zoning district, as measured from the newly established property line following the dedication of 7' of right-of-way for Naperville/Wheaton Road; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary Plat of Subdivision for Leigh Subdivision 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 Plat of Subdivision for Leigh Subdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

**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, the Preliminary Plat of Subdivision for Leigh Subdivision approved by 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.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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