

PIN: 08-19-217-013

**ADDRESS:
850 E. HILLSIDE 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 #20-1-015

ORDINANCE NO. 20 -

**AN ORDINANCE REZONING DONOVAN SUBDIVISION
LOCATED AT 850 E. HILLSIDE ROAD TO
R1B (MEDIUM DENSITY SINGLE FAMILY RESIDENCE DISTRICT)**

RECITALS

1. **WHEREAS**, Douglas L. Donovan and Molly J. Donovan ("**Owner and Petitioners**") have petitioned the City of Naperville rezoning upon annexation for the 21,395 -square foot real property located at 850 E. Hillside 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-4 in unincorporated DuPage County and improved with a single-family home; and
3. **WHEREAS**, the Petitioner has petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and zoning the Subject Property to R1B (Medium Density Single Family Residence District) upon annexation; and
4. **WHEREAS**, following annexation into the City, the Petitioner plans to demolish the existing single-family home and build a new single-family home; and

5. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
6. **WHEREAS**, on May 6, 2020 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 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 R1B (Medium 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 this Ordinance with the DuPage County Recorder.

SECTION 6: If this Ordinance and the Rezoning it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval by the Naperville City Council, this Ordinance and the Rezoning approved herein shall be null and void without any further action 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 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.

City Clerk