PINS:
07-13-418-004
07-13-418-005
07-13-418-006
07-13-418-007

ADDRESSES:
3 S. MAIN STREET
13 S. MAIN STREET
15 S. MAIN STREET
21 S. MAIN STREET

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 #20-1-016

ORDINANCE NO. 20 - ____

AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION AND AN OWNER'S ACKNOWLEDGEMENT & ACCEPTANCE FOR MAIN STREET PROMENADE PHASE III

RECITALS

1. **WHEREAS**, RPAI Naperville Main North, LLC ("**Owner**" and "**Petitioner**") has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for Main Street Promenade Phase III, real property located at the southwest corner of Main Street and Benton Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), to allow for development of a five-story, mixed-use building; and
2. **WHEREAS**, the Subject Property is currently zoned B4 (Downtown Core) with a conditional use for a PUD; and

3. **WHEREAS**, on April 29, 2020, the Planning and Zoning Commission conducted a public hearing concerning PZC 20-1-016 to consider the Petitioner's requests for the Subject Property, and recommended approval of the Petitioner's requests; and
4. **WHEREAS,** the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Main Street Promenade Phase III should be approved as provided herein; and
5. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with an ordinance approving revocation of Ordinances 08-221 and 08-223, an ordinance approving a conditional use to allow for the establishment of the Main Street Promenade Phase III PUD within the B4 zoning district with deviations to Section 6-9-3 (Schedule of Off Street Parking Requirements), Section 6-7D-7 (Yard Requirements) of the Naperville Municipal Code, Section 6-7D-4:5 (Required Conditions), and a resolution authorizing application of parking fee in-lieu provisions (hereinafter cumulatively referenced herein as the "**Main Street Promenade Phase III Ordinances**"); and
6. **WHEREAS**, in the event that all of the Main Street Promenade Phase III Ordinances are not approved and recorded, the City and Petitioner agree that the Main Street Promenade Phase III Ordinances shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner.

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: Each of the approvals contained in this Ordinance is subject to and conditioned upon approval and recordation of the Main Street Promenade Phase III Ordinances, and strict compliance with all other terms and conditions set forth and referenced herein. All terms and conditions set forth and referenced herein shall be binding upon the Owner and Owner's successors, transferees, assigns, affiliates, and subsidiaries.

SECTION 3: Subject to the terms and conditions set forth or referenced herein, the Preliminary/Final Plat of Subdivision for Main Street Promenade Phase III, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subject to the terms and conditions set forth or referenced herein, the Owner's Acknowledgement and Acceptance, 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: 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: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

_____
Steve Chirico
Mayor

ATTEST:

_____
Pam Gallahue, Ph. D.
City Clerk