

**PINS:**  
**01-15-200-012-0010**

**ADDRESS:**  
**NEAR THE SOUTHWEST CORNER OF**  
**BOOK ROAD AND 103<sup>RD</sup> 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 #17-1-129**

**ORDINANCE NO. 18 - \_\_\_\_\_**

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED NEAR THE  
SOUTHWEST CORNER OF 103<sup>RD</sup> STREET AND BOOK ROAD  
(AKA CLOW CREEK FARM ADDITION) TO  
R1A (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)**

**WHEREAS**, Nick Stanitz ("Petitioner") has petitioned the City of Naperville for rezoning of the approximately 21.095 acres of real property located near the southwest corner of 103<sup>rd</sup> Street and Book Road, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property") to R1A (Low Density Single-Family Residence District) upon annexation; and

**WHEREAS**, the owner of the Subject Property is Julianne E. Clow-Baltz, Declaration of Trust; and

**WHEREAS**, the Petitioner has petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and rezoning the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation; and

**WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on January 17, 2018, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner's request; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein; and

**WHEREAS**, Petitioner has requested that the City approve this ordinance ("Ordinance") along with ordinances authorizing the execution of an annexation agreement for the Subject Property, annexing the Subject Property, revoking a portion of the Clow Creek Farm Planned Unit Development (PUD) as it relates to the Clow Creek Farm Addition, approving a preliminary plat of subdivision, and approving a conditional use to allow for the establishment of a PUD within the R1A zoning district with deviations to Section 6-6A-5 (Area Requirements) and Section 6-6A-7 (Yard Requirements) of the Naperville Municipal Code (hereinafter cumulatively referenced herein as the "Clow Creek Farm Addition Ordinances"); and

**WHEREAS**, Petitioner has requested that the City delay recordation of the Clow Creek Farm Addition Ordinances with the Will County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to acquire ownership of the Subject Property; and

**WHEREAS**, subject to approval of the Clow Creek Farm Addition Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Clow Creek Farm Addition Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Clow Creek Farm Addition Ordinances shall not be recorded and 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:** If recordation of the Clow Creek Farm Addition Ordinances does not occur within twelve (12) months after passage of the Clow Creek Farm Addition Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Clow Creek Farm Addition Ordinances are not recorded within the timeframe described herein.

**SECTION 3:** Subject to approval, execution, and recordation of the Clow Creek Farm Addition Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1A (Low Density Single-Family Residence District) in the City of Naperville.

**SECTION 4:** The Zoning Map of the City of Naperville shall be amended in accordance with this Ordinance upon its recordation.

**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:** 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 Will County Recorder.

**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 recordation with the Will County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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