

PINs:
07-12-226-002
07-12-209-022

ADDRESS:
27W280 BAUER ROAD
NAPERVILLE, IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-006

ORDINANCE NO. 23 - 156

AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-7I-5:2 (TRANSITIONAL USE DISTRICT: AREA REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 27W280 BAUER ROAD (MILL AND BAUER TOWHOMES)

RECITALS

1. **WHEREAS**, Mill and Bauer, LLC is the owner and petitioner ("**Owner and Petitioner**") is the owner of real property located at 27W280 Bauer Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is proposed to be rezoned to TU (Transitional Use District) upon annexation; and
3. **WHEREAS**, the Petitioner proposes to construct ten single-family attached dwelling units (townhomes); and
4. **WHEREAS**, per Municipal Code Section 6-7I-5:2 (Transitional Use District: Area Requirements) which establish the minimum area requirements for single-family

attached dwellings in the TU zoning district, the minimum required lot area for a single-family attached dwelling shall not be less than the number of dwellings times four thousand (4,000) square feet; and

5. **WHEREAS**, the Petitioner requests approval of a variance from Municipal Code Section 6-7I-5:2 (Transitional Use District: Area Requirements) to allow construction of ten (10) single-family attached dwelling units on the 39,069 square foot lot as depicted on the site plan attached hereto as **Exhibit C**; and
6. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving an annexation agreement, annexation of the Subject Property, rezoning of the Subject Property, and a preliminary/final subdivision plat (hereinafter cumulatively referenced herein as the "**Mill and Bauer Townhome Ordinances**"); and
7. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto; and
8. **WHEREAS**, on July 18, 2023, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner's request; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that 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: Subject to approval, execution, and Mill and Bauer Townhome Ordinances, a variance from Municipal Code Section 6-71-5:2 (Tear Down/Infill Regulations: Height Limitations) to allow for the construction of 10 single-family attached dwelling units at 27W280 Bauer Road as depicted on **Exhibit C** is hereby granted.

SECTION 3: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 4: If recordation of the Mill and Bauer Townhomes Ordinances, including but not limited to this Ordinance, does not occur within one (1) year of their approval by the Naperville City Council, then said Ordinances shall be deemed to be automatically null and void and of no force and effect without any further action being required 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 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

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

PASSED this 21st day of November 2023.

AYES: Wehrli, Holzhauer, Longenbaugh, McBroom, Taylor, White, Wilson

NAYES: Kelly, Leong

APPROVED this 22nd day of November 2023.

Scott A. Wehrli
Mayor

ATTEST:

Dawn Portner
City Clerk