

ORDINANCE NO. _____

**An Ordinance Amending Final Plat
Ordinance 3108, and Rezoning the
Planned Unit Development known
as Windstone Subdivision**

WHEREAS, the applicant, Salvatore Macaluso on behalf of the ten property owners in Windstone Subdivision, proposes to allow for the subdivision of each existing duplex residential lot on English Pine Lane, south of Pine Tree Estates Subdivision, and has requested and heretofore filed a petition with the City of O’Fallon for an amendment to the original Planned Unit Development pursuant to the proposed plan shown on the attached plat (Exhibit A); and

WHEREAS, the original Planned Unit Development for Windstone Subdivision was approved through a Settlement Agreement dated June 11, 2002 and recorded by the City of O’Fallon, Illinois; and

WHEREAS, the Windstone Subdivision was developed in accordance with said Settlement Agreement and the zoning district of said property shall here forward be designated MR-2(P) in the City of O’Fallon, Illinois; and

WHEREAS, all of the duplex units were initially constructed to meet the minimum 2 hour fire rating separation required between “for sale” units such as condo or villa units; and

WHEREAS, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 2052, “Planned Uses”; and

WHEREAS, said Planning Commission of the City of O’Fallon, Illinois held a public hearing on February 14, 2006, in accordance with state statute, and recommended to approve the petitioner’s request to amend the Planed Unit Development for the property with a condition with a vote of 6-ayes to 0-nayes; and

WHEREAS, a Shared Maintenance Agreement is proposed for all properties in said subdivision to be mutually agreed upon by the City of O’Fallon, Illinois and the Applicant; and

WHEREAS on February 27, 2006, the Community Development Committee of the City Council reviewed said application and due to lack of a quorum made no recommendation.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

Section 1. Approval of the Zoning Amendment. That upon the effective date of this Ordinance, the described property, known as Windstone Subdivision, be henceforth classified as zoning district MR-2(P) Planned Multi-Family Residence Dwelling District as shown on the attached Exhibit A.

Section 2. Approval of the Final Plat Amendment. That the Final Plat be amended in accordance with the plan as shown on the attached Exhibit A.

Section 3. Conditioned Approval. Approval is conditioned on compliance with the terms of the Settlement Agreement and upon the recording of a Shared Maintenance Agreement meeting the approval of the City and all property owners that will bind all properties within the Windstone Development..

Section 4. Filing. A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk’s office of the City of O’Fallon, Illinois.

Section 5. Passage. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the City Council this _____ day of _____.

ATTEST:
(seal)

Approved by the Mayor this _____ day
of _____.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

| ROLL CALL: | Albrecht | Bennett | Bequette | Drolet | Grogan | Schmidt | Medford | SUB TOTALS |
|------------|----------|---------|----------|--------|--------|---------|---------|------------|
| Aye | | | | | | | | |
| Nay | | | | | | | | |
| Absent | | | | | | | | |

| ROLL CALL: | Boone | Mouser | Reckamp | Henry | Renner | True | West | SUB TOTALS | SUM OF TOTALS |
|------------|-------|--------|---------|-------|--------|------|------|------------|---------------|
| Aye | | | | | | | | | |
| Nay | | | | | | | | | |
| Absent | | | | | | | | | |

