

**PIN: 07-22-102-010**

**ADDRESS:  
2639 AURORA AVENUE  
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 #17-1-099**

**ORDINANCE NO. 17- \_\_**

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR AN AMUSEMENT  
ESTABLISHMENT IN THE B2 DISTRICT FOR THE PROPERTY LOCATED AT  
2639 AURORA AVENUE (FUNTOPIA)**

**WHEREAS**, Yasen Nikolov AFCM Naperville LLC DBA Funtopia ("Petitioner"), has petitioned the City of Naperville for approval of a conditional use for an amusement establishment in the B2 (Community Shopping Center) District for the property located at 2639 Aurora Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Subject Property is currently zoned B2 (Community Shopping District); and

**WHEREAS**, the Petitioner is proposing to occupy a 27,001 square foot tenant space in the existing multi-tenant commercial shopping center with a Funtopia facility, which is considered an amusement establishment under the Municipal Code of the City of Naperville; and

**WHEREAS**, the Petitioner is requesting approval of a conditional use in order to allow an amusement establishment on the Subject Property; and

**WHEREAS**, the requested conditional use meets the standards for conditional uses as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on October 18, 2017, the Planning and Zoning Commission conducted a public hearing to consider PZC 17-1-099 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.

**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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A conditional use to allow for an amusement establishment on the Subject Property pursuant to Section 6-7B-3 (B2 District: Conditional Uses) of the Municipal Code, and as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby granted.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**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.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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