

ORDINANCE NO. 26- _____

**AN ORDINANCE
APPROVING THE FIRST AMENDMENT TO THE BUSINESS DISTRICT PLAN
IN RELATION TO THE BLOCK 59 BUSINESS DISTRICT**

RECITALS

1. **WHEREAS**, the City of Naperville (“City”), is a home rule municipality under the Laws and the Constitution of the State of Illinois, and is enacting this Ordinance pursuant to its home rule authority and the Illinois Business District Redevelopment Act 65 ILCS 5/11-74.3-1, *et seq.* (the “Act”); and
2. **WHEREAS**, Section 11-74.3-2(f) of the Act provides that after a municipality has by ordinance approved a business district plan and designated a business district, a municipality is allowed to amend a business district plan without public hearing, provided that the municipality shall give notice of its amendments by publication in a newspaper of general circulation within the municipality within 30 days following the adoption of the ordinance making such amendments and provided that such changes do not (i) alter the exterior boundaries of the business district, (ii) substantially affect the general land uses described in the business district plan, (iii) substantially change the nature of any business district project, (iv) change the description of any developer, user, or tenant of any property of any developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total business district project costs set out in the business district plan by more than 5% after adjustment for inflation from the date the business district plan was approved, (vi) add additional business district costs to itemized list of estimated business costs as approved in the business district plan, or (vii) impose or increase the rate of any tax to be imposed pursuant to subsection (10) or (11) of Section 11-74.3-3; and
3. **WHEREAS**, on March 21, 2023 the Mayor and City Council of the City (the “Corporate Authorities”) approved Ordinance 23-039 and established the designation of the proposed Business District, approved the City of Naperville Block 59 Business District Plan (“BD Plan”), made the requisite finding of “blight” as required by the Act, and, found that it was in the best interests of the City that the Block 59 Business District be designated as a “Business District” pursuant to the terms of the Act; and
4. **WHEREAS**, the Corporate Authorities have determined that it is both desirable and in the best interests of the City and its citizens to provide for this First Amendment to the BD Plan (the “First Amendment”) to incorporate certain changes that relate to permissible adjustments, pursuant to Section 11-74.3-2(f) of the Act, to the total estimated business district costs of the BD Plan, in a

manner consistent with the City's overall redevelopment project goals and objectives in connection with the planned implementation of the BD Plan; and

5. **WHEREAS**, the changes adopted within the First Amendment, pursuant to this ordinance, do not (i) alter the exterior boundaries of the business district, (ii) substantially affect the general land uses described in the business district plan, (iii) substantially change the nature of any business district project, (iv) change the description of any developer, user, or tenant of any property of any developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total business district project costs set out in the business district plan by more than 5% after adjustment for inflation from the date the business district plan was approved, (vi) add additional business district costs to itemized list of estimated business costs as approved in the business district plan, or (vii) impose or increase the rate of any tax to be imposed pursuant to subsection (10) or (11) of Section 11-74.3-3; and
6. **WHEREAS**, the City authorized Ryan LLC (the "Consultant") to prepare the proposed First Amendment, pursuant to the Act for the Block 59 Business District, such First Amendment is set forth in Exhibit A attached hereto and made part hereto; and
7. **WHEREAS**, pursuant to the Act the City shall provide such required notice of the changes to the BD Plan through the First Amendment by publication not later than 30 days following the adoption of this Ordinance in the manner required by the Act.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority that:

SECTION 1: Recitals incorporated. The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: The First Amendment is hereby approved and adopted and by the authority of the Corporate Authorities is hereby incorporated as part of the BD Plan for the City of Naperville subject to such technical and minor substantive revisions thereto as may be deemed acceptable to the City Attorney.=

SECTION 3: All ordinances, orders and resolutions and parts thereof in

conflict herewith shall be and the same are hereby repealed.

SECTION 4: If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance or their application if they can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision is severable, unless otherwise provided by this Ordinance.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Mayor and City Council of the City of Naperville, DuPage and Will Counties, Illinois, this ____ day of _____ 2026.

AYES:

NAYS:

ABSENT:

Dawn C. Portner, City Clerk

APPROVED this ____ day of _____ 2026.

Scott A. Wehri, Mayor

ATTESTED to and PUBLISHED by me this ____
day of _____ 2026 in pamphlet form.

Dawn C. Portner, City Clerk

Exhibit A

**First Amendment
to the Business District Plan for
the Block 59 Business District**

(attached)