

**PIN:**  
**07-22-102-022**

**ADDRESS:**  
**404 S. ROUTE 59**  
**NAPERVILLE, IL 60564**

**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 #22-1-038**

**ORDINANCE NO. 23 - \_\_\_\_\_**

**AN ORDINANCE REVOKING ORDINANCE 91-205 WHICH ESTABLISHED THE  
HERITAGE SQUARE PLANNED UNIT DEVELOPMENT (PUD) FOR THE PROPERTY  
LOCATED AT 404 S. IL ROUTE 59**

**RECITALS**

1. **WHEREAS**, Brixmor Heritage Square LLC, 8700 West Bryn Mawr Avenue, Suite 1000-S, Chicago, IL 60631, is the owner ("**Owner**") of real property located at 404 South Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") and known as the Heritage Square Planned Unit Development (PUD); and
2. **WHEREAS**, the Owner has petitioned the City of Naperville ("**City**") to revoke the Heritage Square Planned Unit Development (PUD) for the Subject Property; and
3. **WHEREAS**, on October 16, 1991 the City Council of the City of Naperville passed Ordinance No. 91-205, approving a final plat of planned unit development (PUD) for Heritage Square; and

4. **WHEREAS**, pursuant to Section 6-4 of the Naperville Municipal Code, Petitioner has petitioned the City of Naperville for revocation of the Planned Unit Development approved by Ordinance No. 91-205 for the Subject Property; and
5. **WHEREAS**, the original Heritage Square PUD was comprised of a single-lot commercial development with an approved site plan but no further rights or obligations for the property; and
6. **WHEREAS**, the regulations for Planned Unit Developments in the Naperville Municipal Code have evolved to place a substantial focus on coordinated development, site amenities and open space, and the Subject Property is not reflective of the existing PUD regulations; and
7. **WHEREAS**, accordingly, the petitioner proposes to revoke the existing Heritage Square PUD and establish a new PUD for the Subject Property which is consistent with the City's current PUD requirements; and
8. **WHEREAS**, the Owner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving the following: a preliminary plat of subdivision for Block 59; and, a conditional use for the Block 59 planned unit development (PUD), preliminary PUD plat, and associated deviations (hereinafter cumulatively referenced herein as the "**The Block 59 Ordinances**");
9. **WHEREAS**, the City Council has determined 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** Ordinance 91-205 and the Planned Unit Development designation for Heritage Square, legally described on **Exhibit A** and depicted on **Exhibit B,** are hereby revoked.

**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:** 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 5:** If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner 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 6:** The City Clerk is authorized and directed to record this Ordinance, along with The Block 59 Ordinances, with the DuPage County Recorder.

**SECTION 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk