

**PINs:**  
See "Exhibit A"

**ADDRESS:**  
9S065, 9S080 AND 9S081 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 #17-1-093

**ORDINANCE NO. 18 - \_\_\_\_\_**

**AN ORDINANCE REZONING THE MARTINEZ PROPERTY  
LOCATED AT 9S065, 9S080 AND 9S081 ROUTE 59 TO  
B2 (COMMUNITY SHOPPING CENTER DISTRICT)**

**WHEREAS**, Cristina Martinez is the owner of real property located on the east side of Route 59, south of 79<sup>th</sup> Street, commonly known as 9S065, 9S080 and 9S081 Route 59, Naperville, Illinois, which is legally described on Exhibit A and depicted on Exhibit B ("Subject Property");

**WHEREAS**, the Subject Property is presently zoned R-2 (Single-Family Residence District) in unincorporated DuPage County, and is currently improved with three single-family residences; and

**WHEREAS**, Cristina Martinez ("Petitioner") has petitioned the City of Naperville ("City") for rezoning of the Subject Property to B2 (Community Shopping Center District); and

**WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as set forth in Exhibit C attached hereto; and

**WHEREAS**, in addition to the rezoning described herein, Petitioner has also requested City approval of ordinances approving an annexation agreement, annexation, and variances for the Subject Property (hereinafter cumulatively referenced as the “Martinez Ordinances”); and

**WHEREAS**, on December 6, 2017 the Planning and Zoning Commission conducted a public hearing to consider PZC 17-1-093 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** Subject to the terms and conditions set forth herein, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to B2 (Community Shopping Center District) in the City of Naperville.

**SECTION 3:** Subject to the terms and conditions set forth herein, the Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

**SECTION 4:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance, along with the remaining Martinez Ordinances, with the DuPage County Recorder.

**SECTION 6:** 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 7:** This Ordinance shall be deemed passed upon approval of the City Council and shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk