

PINs: SEE EXHIBIT A

ADDRESS:  
NWC OF 119<sup>TH</sup> ST & BOOK RD  
NAPERVILLE, IL 60585

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170

RETURN TO:  
CITY OF NAPERVILLE  
COMMUNITY SERVICES OFFICE/  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #22-1-056

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

AN ORDINANCE GRANTING A VARIANCE FROM SECTION 5-2C-3 (EXTERIOR WALL CONSTRUCTION) OF TITLE 5 (BUILDING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR NAPERVILLE POLO CLUB

RECITALS

1. **WHEREAS**, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("**Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of an approximately one-hundred and ten (110) acre parcel of real property located at the northwest corner of 119<sup>th</sup> Street and Book Road in unincorporated Will County, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**") for a development comprised of 261 single family detached dwelling units and 136 single family attached dwelling units known as the Naperville Polo Club ("**Naperville Polo Club**").
2. **WHEREAS**, the current owners of the Subject Property are listed on Exhibit C ("**Owners**").

3. **WHEREAS**, Petitioner has requested that the City approve this ordinance approving a variance to the exterior wall construction requirements to a portion of the Subject Property as provided herein (“**Ordinance**”), along with ordinances approving annexation of the Subject Property, an annexation agreement, rezoning of the Subject Property, a preliminary plat of subdivision, a preliminary planned unit development (PUD) with associated deviations, a conditional use to permit single-family attached units on a portion of the Subject Property, a temporary use for marketing signs, and a temporary use for soccer/recreational fields and associated parking lot located on the Subject Property (hereinafter together referenced as the “**Naperville Polo Club Ordinances**”).
4. **WHEREAS**, Section 5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Municipal Code requires that a minimum of fifty percent (50%) of the exterior wall construction for all single-family attached dwelling units shall be constructed of solid masonry, face brick, manufactured concrete stone veneer (1½” inch thickness) set individually into mortar bed, or other masonry products as approved by the City Council.
5. **WHEREAS**, Petitioner requests a variance to Section 5-2C-3 (Exterior Wall Construction) in order to eliminate the requirement for exterior masonry on the one hundred thirty-six (136) single-family attached dwelling units to be constructed on the Subject Property.
6. **WHEREAS**, Petitioner proposes that the one hundred thirty-six (136) single-family attached dwelling units to be constructed on the Subject Property be constructed

primarily of vinyl siding with masonry accent materials (“**Proposed Building Materials**”).

7. **WHEREAS**, the Proposed Building Materials satisfy the intent of Section 5-2C-3 (Exterior Wall Construction) to provide durable materials on single-family attached dwelling units and also provide a consistent aesthetic with the proposed single-family detached dwelling units on the Subject Property.
8. **WHEREAS**, Petitioner is under contract to purchase the Subject Property from the Owners in two stages.
9. **WHEREAS**, Petitioner has requested that the City delay recordation of the Naperville Polo Club Ordinances with the Will County Recorder for a period of time not to exceed nine (9) months after their passage (hereinafter the “**Recording Timeframe**”) in order to allow Petitioner to obtain title to a portion of the Subject Property; and
10. **WHEREAS**, subject to approval of the Naperville Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. If all of the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe, the City, Petitioner, and Owners agree that the Naperville Polo Club Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded, and shall be deemed to be automatically null and void and of no force or effect with no further action being taken by the City or the Petitioner.
11. **WHEREAS**, on September 21, 2022 the Planning and Zoning Commission conducted a public hearing to consider the PZC 22-1-056 and recommended approval of the Petitioner’s request.

12. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto.

13. **WHEREAS**, the City Council of the City of Naperville has determined, subject to the provisions and conditions set forth and referenced herein, that the variance to the Naperville Municipal Code described herein should be approved as provided herein.

14. **WHEREAS**, the Subject Property is the subject of a jurisdictional boundary line agreement between the City of Naperville and the Village of Plainfield which has not yet been full executed or recorded (the "**Boundary Line Agreement**").

**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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record the Naperville Polo Club Ordinances, together with their exhibits, with the Will County Recorder.

**SECTION 3:** If recordation of the Naperville Polo Club Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances shall be deemed to be automatically void without any further action being required by the City, the Owners, or the Petitioner. Petitioner and Owners have acknowledged that in no event shall the City be liable or responsible in any manner or for

any claim if the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe.

**SECTION 4:** Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances, a variance to Section 5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Naperville Municipal Code to reduce the required masonry materials on the single-family attached dwelling units from fifty percent (50%) to zero (0%) in order to construct one hundred thirty-six (136) single-family attached dwelling units on the Subject Property, as depicted on the Building Elevations attached as **Exhibit E**, is hereby granted.

**SECTION 5:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 6:** The approvals contained in this Ordinance are subject to approval, execution, and recordation of a jurisdictional Boundary Line Agreement between the City of Naperville and the Village of Plainfield. If said Boundary Line Agreement has not been approved, executed and recorded prior to recordation of the Naperville Polo Club Ordinances, the Naperville Polo Club Ordinances, including this Ordinance, shall be deemed to be automatically null and void without any further action by the City, Petitioner, or Owners.

**SECTION 7:** 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 Will County Recorder.

**SECTION 8:** This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

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

AYES:

NAYS:

ABSENT:

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

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

ATTEST:

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