

PIN:
01-11-429-134 to 01-11-429-143
01-11-429-145 to 01-11-429-152

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**

BRB Case #92

ORDINANCE NO. 17 -

AN ORDINANCE GRANTING A VARIANCE FROM SECTION 5-2C-3 (EXTERIOR WALL CONSTRUCTION) OF TITLE 5 (BUILDING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR TRAMORE SUBDIVISION (LOTS 2-16)

WHEREAS, K. Hovnanian T&C Homes at Illinois ("Petitioner") intends to construct new duplex units at the approximately 5.4 acre property located west of Plainfield-Naperville Road, north of Saratoga Road, south of Hamlet Road, and legally described on **Exhibit A** and depicted on **Exhibit B**, commonly known as Tramore Subdivision ("Subject Property");

WHEREAS, Petitioner has petitioned the City of Naperville to vacate the prior PUD approvals and develop the subject property in conformance with the 2005 subdivision approvals with the exception of a request to vary from Municipal Code Section 5-2C-3 (Exterior Wall Construction) in order to waive the 50% masonry requirement for the remaining duplexes; and

WHEREAS, on May 17, 2017, the Building Review Board (BRB) conducted a hearing to consider BRB Case 92; and

WHEREAS, the City Council of the City of Naperville has determined that the variance to the Naperville Municipal Code should be granted to the extent and subject to the terms and conditions set forth in this Ordinance.

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 variance to Section 5-2C-3 (exterior wall construction) of Title 5 (building regulations) of the Naperville Municipal Code, is hereby granted to waive the 50% masonry requirement for the Subject Property, subject to the condition that a higher quality building material is utilized on approximately 50% of the façade of the buildings to be constructed on Lots 2-16 in Tramore Subdivision, as calculated in accordance with Section 5-2C-3 of the Naperville Municipal Code, as depicted on **Exhibit C.**

SECTION 3: The City Clerk is directed to record this Ordinance and its exhibits with the Will County Recorder.

SECTION 4: 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