

ORDINANCE NO. O2025-50

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, CERTAIN MODIFICATIONS FROM THE WARRENVILLE ZONING ORDINANCE, AND A FINAL PLAT OF SUBDIVISION FOR 3S729 WEST AVENUE

WHEREAS, Farnham Partners LLC, an Illinois limited liability company ("**Owner**"), is the owner of an approximately 0.6-acre parcel of real property commonly known as 3S729 West Avenue, Warrenville, Illinois, and legally described in **Exhibit A**, attached to and made a part of this Ordinance ("**Property**"); and

WHEREAS, the Property consists of four lots of record and is located in the R-5 High Density Single Family Residential District of the City ("**R-5 District**"); and

WHEREAS, the Property is currently vacant and unimproved; and

WHEREAS, the Owner desires to develop the Property (collectively, the "**Proposed Development**") with four approximately 1,950-square-foot ranch-style single-family residences, each with three bedrooms, two bathrooms, basements, and two-car garages (collectively, the "**Residences**" and, individually, a "**Residence**"), associated access drive, hardscape, landscape, and stormwater improvements, and certain public improvements; and

WHEREAS, in order to construct the Proposed Development on the Property, pursuant to the applicable sections of the Warrenville Zoning Ordinance, codified as Title 10 of the City Code, as amended ("**Zoning Ordinance**"), and the Warrenville Subdivision Control Ordinance, codified as Title 11 of the City Code, as amended ("**Subdivision Regulations**"), the Owner filed an application with the City for approval of: (i) a final plat of subdivision for the Property ("**Final Plat of Subdivision**"); (ii) a combined preliminary and final planned unit development plan for the Property ("**Final PUD Plan**"); (iii) a special use permit for a planned unit development plan for the Property ("**Special Use Permit**"); and (iv) certain modifications from the Zoning Ordinance within the planned unit development ("**Zoning Modifications**") (collectively, (i) through (vi) are the "**Requested Approvals**"); and

WHEREAS, a public hearing by the Plan Commission to consider the Requested Approvals was duly published in the *Daily Herald* on June 25, 2025, was convened on July 10, 2025, and continued to August 21, 2025, during which hearing evidence and testimony was received by the Plan Commission; and

WHEREAS, on August 21, 2025, the Plan Commission adopted Findings of Fact, Project Number PZ2025-0016, recommending that the Mayor and the City Council approve the Requested Approvals; and

WHEREAS, the Mayor and the City Council have determined that, subject to and contingent upon the conditions, restrictions, and provisions of this Ordinance: (i) the Final Plat of Subdivision complies with the required standards for subdivisions as set forth in Article 6 of the Subdivision Regulations; (ii) the Final PUD Plan complies with the standards for planned unit developments as set forth in Section 8 of the Zoning Ordinance; and (iii) the Special Use Permit complies with the required standards for planned unit developments and special use permits as set forth in Sections 7 and 8 of the Zoning Ordinance; and

WHEREAS, consistent with the Plan Commission recommendation, and pursuant to the City's powers under applicable law, including its home rule powers under the Illinois Constitution of 1970, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Requested Approvals, in accordance with, and subject to and contingent upon, the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Approval, Execution, and Recordation of the Final Plat of Subdivision.

A. Approval of the Final Plat of Subdivision. In accordance with Section 6 of the Subdivision Regulations, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, the Final Plat of Subdivision, titled "T. Q. Homes West Avenue Subdivision", consisting of one sheet, prepared by Carradus Land Survey, Inc., and dated July 1, 2025, attached to and, by this reference, made a part of this Ordinance as **Exhibit B**, is approved. The Final Plat of Subdivision contemplates the grant of various easements and the consolidation and resubdivision of the Property into five lots of record as follows: one outlot ("**Outlot A**") and four lots each to be developed with a Residence (collectively, the "**Lots**", and, individually, a "**Lot**").

B. Execution of the Final Plat of Subdivision. The City Council hereby authorizes and directs the Mayor, the City Clerk, the Chairman and Secretary of the Plan Commission, the City Collector and the City Engineer to execute, on behalf of the City, the Final Plat of Subdivision following its revision as necessary to comply with the conditions set forth in Section 6 of this Ordinance, execution, and delivery to the City Clerk by the Owner and all other required parties.

C. Recordation of Final Plat of Subdivision. The City Council hereby directs the City Clerk to record, or to authorize her designee to record, the executed Final Plat of Subdivision with the DuPage County Recorder's Office upon satisfactory completion of all administrative details relating thereto.

SECTION 3: Approval of Special Use Permit. In accordance with Sections 7 and 8 of the Zoning Ordinance, and subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, the Special Use Permit to allow the construction of the Proposed Development on the Property is approved.

SECTION 4: Approval of the Final PUD Plan.

A. Approval of Final PUD Plan. In accordance with Section 8 of the Zoning Ordinance, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, the Final PUD Plan for the Proposed Development on the Property, which consists of: (i) the Final PUD Site Plan, consisting of one sheet, prepared by Studio 21 Architects, and undated ("**Site Plan**"), attached to and, by this reference, made a part of this Ordinance as **Exhibit C**; and (ii) the plans and documents referred to collectively as the "**Final PUD Documents**" and listed on **Exhibit D** attached to this Ordinance (collectively, the "**Final PUD Plan**"), is approved. The

Final PUD Site Plan, the Final PUD Documents, and Exhibit D are, by this reference, made a part of this Ordinance.

B. Future Patio Expansion Authorized. Notwithstanding any provision of the City Code, including the Zoning Ordinance, to the contrary, the Zoning Administrator is hereby authorized to administratively approve the expansion of the patios located at the rear of each Residence, as depicted on the Site Plan and set forth on the Site Improvement Plans, as listed on Exhibit D and included in the Final PUD Plan, up to the following maximum dimensions: 20 feet wide (measured from northernmost edge to southernmost edge) and 12 feet deep (measured from easternmost edge to westernmost edge); provided, however, that the location of the required landscaping displaced by the expanded patio must be adjusted and replaced.

SECTION 5: Approval of Zoning Modifications. In accordance with Section 8.C of the Zoning Ordinance, and subject to the conditions, restrictions, and provisions of this Ordinance, the Zoning Modifications within the planned unit development, including, without limitation those listed below, are approved:

A. Minimum Lot Area. Reduce the minimum lot area, as set forth in Table 4A of the Zoning Ordinance, from 7,000 square feet to approximately 2,113.25 square feet for the Lots on the Property.

B. Minimum Lot Width. Reduce the minimum lot width, as set forth in Table 4A of the Zoning Ordinance, from 50 feet to 39.5 feet for the Lots on the Property.

C. Minimum Setbacks. Reduce the minimum front, rear, and side yard building setbacks, as set forth in Table 4A of the Zoning Ordinance, to zero feet for the Lots on the Property.

D. Accessory Structures. Allow accessory structures, including, without limitation, driveways, retaining walls, screening walls, walks, patios, and stormwater improvements, to be constructed and maintained on a lot without a principal structure, as prohibited by Section 10.1.A of the Zoning Ordinance, for Outlot A.

E. Maximum Lot Coverage. Increase the maximum permitted lot coverage, as set forth in Table 4A of the Zoning Ordinance, from 44 percent to 100 percent for the Lots on the Property.

F. Parking. Allow two stacked parking spaces located on a separate lot to be counted toward the minimum required parking spaces, which is otherwise prohibited pursuant to Section 5.B.8.A of the Zoning Ordinance, for the two stacked parking spaces on the driveways located directly east of each Residence on Outlot A.

SECTION 6: Conditions. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Warrenville City Code ("**City Code**"), the Zoning Ordinance, or the Subdivision Regulations or any other rights the Applicant may have, the approvals granted in Sections 2 through 5 of this Ordinance are hereby expressly subject to and contingent upon the conditions, concepts, restrictions, limitations, and provisions set forth in this Section (collectively, the "**Conditions**").

A. Standard Conditions.

1. Compliance with Regulations. The redevelopment, use, operation, and maintenance of the Property shall comply with all applicable City codes and ordinances as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

2. Compliance with Plans. The development, use, and maintenance of the Property must be in strict accordance with the Final PUD Plan and the Final Plat of Subdivision, as each is revised to address the conditions set forth in Subsection B of this Section and except for minor changes and site work approved in accordance with all applicable City ordinances and standards.

B. Other Conditions.

1. Public Improvements. The Owner will construct as part of and contemporaneous with the Proposed Development public sidewalk along the West Avenue frontage of the Property, sanitary sewer main and watermain extensions from the north end of West Avenue to the Property, and a fire lane within the West Avenue right-of-way to allow fire apparatus access to the two northernmost Residences (collectively, the "**Public Improvements**"). The City will not issue a certificate of occupancy for the Proposed Development until all Public Improvements are constructed and accepted by the City in accordance with the Subdivision Regulations.

2. Civil Engineer Review. The Applicant must comply with the review comments and recommendations outlined in the Engineering Review Memorandum, consisting of three pages, prepared by Assistant Community Development Director Hocking, and dated October 14, 2025, a copy of which is attached to and made a part of this Ordinance as **Exhibit E ("Engineering Review Memo")**.

3. Landscape Plan. The Landscape Plan, which is listed on Exhibit D and included in the Final PUD Plan, must be revised as follows:

a. To allow for the limited ability for plants identified for foundational landscaping to be replaced with similar species. The landscaping identified for along the public right-of-way, arborvitae patio screening, and landscaping near the stormwater facility on the Landscape Plan must be specifically identified without flexibility to substitute other species.

b. To include one additional tree near the northwest corner of the Proposed Development.

c. To include a landscape maintenance calendar.

d. To include patio sizes consistent with the Site Improvement Plans.

e. To include one example of a patio and related landscaping for the patio dimensions proposed for the Sliding Glass Door Option Elevation.

4. Driveway Expansion Prohibited. Under no circumstances may any of the driveways for the Residences as depicted on the Site Plan and set forth on the Site

Improvement Plans, which is listed on Exhibit D and included in the Final PUD Plan, be expanded.

5. Landscape Covenant Agreement. The Applicant shall prepare and submit a properly executed Landscape Covenant Agreement satisfying the requirements of Section 11.B.4 of the Zoning Ordinance and in a form acceptable to the City, which shall be recorded with the DuPage County Recorder's Office prior to the issuance of the first Certificate of Occupancy for Proposed Unit 3 Development. The approved Final Landscape Plans, listed on Exhibit D to this Ordinance, shall be referenced in, and become part of, the Landscape Covenant Agreement.

6. Exterior Building Elevations. The exterior Townhome Building elevations shall be consistent with the Character Elevations, listed on Exhibit D to this Ordinance.

7. Home Owners Association Declaration. The Applicant must prepare and record a declaration of covenants and by-laws establishing a home owners association and providing for the maintenance of the common elements and areas of the Proposed Development in a form approved by the City ("**Declaration**"), in a form and substance consistent with the comments and conditions set forth in the Community Development Staff Report dated August 21, 2025 and acceptable to the City Attorney before the City will issue any certificate of occupancy for the Proposed Development.

8. Fees and Security Guaranteeing Completion of Public Improvements. The Owner must pay/submit all applicable review and inspection fees and the required security guaranteeing completion of Public Improvements prior to the recording of the Final Plat of Subdivision and this Ordinance.

9. School, Park and Library Contributions. The Owner must pay all required school, park and library contributions for Proposed Development at the time of building permit issuance for each Residence.

10. Expanded Patios. Rear patios may be expanded up to 20' wide and up to 12' deep. The location of landscaping displaced by expanded patios must be adjusted with approval from the Zoning Administrator.

SECTION 7: Invalidation of Approvals. Upon the failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the City, the approvals granted in Sections 2 through 5 of this Ordinance ("**Approvals**") may, at the sole discretion of the City Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the City Council may not so revoke the Approvals unless it first provides the Owner with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the City Council. In the event of such revocation, the City Administrator and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, have considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Owner or its successors required by this Section is given.

SECTION 8: Amendments. Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance and the Subdivision Regulations, as applicable to the affected items of relief.

SECTION 9: Effective Date.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the City Council by a majority vote and approval in the manner required by law;
2. Publication in pamphlet form in the manner required by law;
3. The filing by the Owner with the City Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit F** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the City for any claims that may arise in connection with the approval of this Ordinance;
4. Recordation of this Ordinance, together with such exhibits as the City Clerk deems appropriate for recordation, with the office of the DuPage County Recorder of Deeds.

B. In the event that the Applicant does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 9.A.3 of this Ordinance within 90 days after the date of passage of this Ordinance by the Mayor and City Council, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED THIS ____ day of _____, 2025.

APPROVED THIS ____ day of _____, 2025.

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAIN: _____

MAYOR

ATTEST:

CITY CLERK

EXHIBITS

Exhibit A – Legal Description of the Property

Exhibit B – Final Plat of Subdivision

Exhibit C – Final PUD Site Plan

Exhibit D – Final PUD Documents

Exhibit E – Engineering Review Memo

Exhibit F – Unconditional Agreement and Consent

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LOTS 21, 22, 23, AND 24 IN BLOCK 14 IN FIRST ADDITION TO WARRENVILLE, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 35 AND THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 8, 1927 AS DOCUMENT 231151, IN DUPAGE COUNTY, ILLINOIS.

PINs: 04-36-316-028, 04-36-316-029, 04-36-316-030, 04-36-316-031

AFTER RECORDING OF THE FINAL PLAT OF SUBDIVISION, THE PROPERTY WILL BE LEGALLY DESCRIBED AS:

OUTLOT A AND LOTS 1, 2, 3, AND 4 IN T. Q. HOMES WEST AVENUE SUBDIVISION, BEING A RESUBDIVISION OF 21, 22, 23, AND 24 IN BLOCK 14 IN FIRST ADDITION TO WARRENVILLE, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 35 AND THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED _____, 2025 AS DOCUMENT _____ IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT B
FINAL PLAT OF SUBDIVISION

EXHIBIT C
FINAL PUD SITE PLAN

EXHIBIT D

FINAL PUD DOCUMENTS

1. ***Final Plat of Subdivision*** (See Exhibit B).
2. ***Final PUD Site Plan*** (see Exhibit C).
3. ***Landscape Plan***, consisting of one sheet, prepared by Westwood Environmental, and with a latest revision date of October 14, 2025.
4. ***Site Improvement Plans***, consisting of five sheets, prepared by Carradus Land Survey, Inc., and dated October 6, 2025.
5. ***Building #1 Plans***, consisting of five sheets, prepared by Studio 21 Architects, and dated October 9, 2025.
6. ***Building #2 Plans***, consisting of five sheets, prepared by Studio 21 Architects, and dated October 9, 2025.
7. ***Building #3 Plans***, consisting of five sheets, prepared by Studio 21 Architects, and dated October 9, 2025.
8. ***Building #4 Plans***, consisting of five sheets, prepared by Studio 21 Architects, and dated October 9, 2025.
9. ***Renderings***, consisting of four sheets, submitted by the Owner, and undated.
10. ***Sliding Door Option Elevations***, consisting of one sheet, prepared by Studio 21 Architects, and dated August 6, 2025.

The Final PUD Documents are available for review from the City of Warrenville City Clerk's office and Community Development Department. All documents listed in this Exhibit D (regardless of whether the document itself is attached to this Ordinance) shall be deemed incorporated by reference, and made a part of, this Ordinance. All documents listed in this Exhibit D are subject to such further revision as may be required to conform to the conditions stated in Section 6 of this Ordinance.

EXHIBIT E
ENGINEERING REVIEW MEMO

MEMORANDUM

Date: October 14, 2025
To: Farnham Partners, Walter Lang & Carradus Land Survey
From: Kristine Hocking, P.E., CFM
Assistant Community Development Director
City of Warrenville
Re: West Street Residential Development
Engineering/SWM/Public Works Review #4
APPROVED WITH CONDITIONS

We have completed our 3rd review of the engineering plans for the West Street Residential Development with regards to the DuPage County Stormwater and Flood Plain Ordinance, Warrenville's Subdivision Control Ordinance, and Public Works requirements. We have reviewed the following documents related to this project:

1. Engineering Plans for 3S729 West Avenue prepared by Carradus Land Survey, Inc. and last revision dated October 6, 2025.
2. Stormwater Submittal prepared by Carradus Land Survey Inc., and dated September 11, 2025.
3. Site Plan for 3S729 West Avenue prepared Studio 21 Architects of Downers Grove, Illinois and not dated.
4. Plat of Survey for 3S729 West Avenue prepared by Carradus Land Survey, Inc. of Carol Stream, Illinois and dated December 20, 2024.
5. Plat of Subdivision for 3S729 West Avenue prepared by Carradus Land Survey, Inc. of Carol Stream, Illinois and last revision dated October 7, 2025.

ENGINEERING SUMMARY

ACCESS: Access is provided off of West Avenue. A private drive will be constructed for access to the new lots.

STORMWATER DETENTION: Article 15-72.A.1 of the DuPage County Stormwater and Flood Plain Ordinance (DCSFPO) states that stormwater detention is required if the impervious area is being increased by at least 25,000 sf. The existing site is undeveloped. The proposed development results in an impervious area increase of 11,066 sf on-site and 3497 sf in the West Avenue right-of-way. Stormwater detention is not required.

BEST MANAGEMENT PRACTICES: Section 15-63 of the DCSFPO states that on-site Post Construction Best Management Practices (PCBMPs) and Volume Control Best Management Practices (VCBMPs) are required to treat stormwater runoff for pollutants and reduce runoff volume for all developments with 2,500 sf or more net new impervious area since April 23, 2013.

The development will result in a total impervious area increase of 14,671 sf (on-site and within the West Avenue right-of-way). The new impervious area is 14,671 sf. In accordance with the City Municipal Code PCBMPs are required. The required PCBMP volume is calculated as:

$$14,671 \text{ sf} \times 1.25' / 12 = 1528 \text{ cf}$$

The required volume is proposed in a PCBMP/detention system consisting of dry wells approximately 3 feet deep in the backyards of the buildings for a total of 4455 cf stone drywell which results in a drywell volume of 1604 cf.

FLOODPLAIN, WETLANDS AND BUFFERS: No Floodplain, Wetlands or Buffers are on the development site.

SEWER & WATER: Watermain exists on West Avenue. New services are proposed to be extended to the lots. Sanitary sewer will be extended to the site from the existing manhole on West Avenue north of the site.

EROSION CONTROL: The construction area (disturbed area) is 0.72 acre which does not exceed 1 acre, so a National Pollutant Discharge Elimination System (NPDES) permit is not required for discharge of storm water. However, erosion control measures must meet all of the requirements listed in Sections 15-58 through 15-60 of the DCSFPO.

PERMITS: An IEPA sanitary sewer permit, City of Warrenville Stormwater and Flood Plain Certification, City of Warrenville Site Development Permit, and City of Warrenville Building Permits will be required.

REVIEW COMMENTS

The project documents have been stamped “APPROVED WITH CONDITIONS”. The following comments should be addressed *with the Site Development Permit submittal.*

General Comments:

1. Submit a completed DuPage County Stormwater Certification Application.
2. Submit an updated Stormwater Management Report. See comments below.
3. Submit an EOPCC which would include erosion control, storm sewer, PCBMP, public utilities, pavement and sidewalk within the ROW, and the required landscaping.
4. Submit HOA Declarations which includes maintenance of items in Outlot and Stormwater Management Easement among others.
5. Submit a draft IEPA sanitary sewer permit for review and approval prior to obtaining signatures. The City will coordinate with the City of Naperville for their signatures as well.

Engineering Plans:

6. Sheet 3: End the sidewalk at the southern most driveway edge and do not extend to the south as there is no sidewalk to connect to.

Plat of Subdivision:

7. No Comments.

Landscape Plan:

1. Ensure landscape plan is compared to drainage and utility plan to avoid trees in swales and near yard inlets or other utilities.
2. Provide an updated landscape plan per staff's comments.

Stormwater Management Report:

3. Determine the Estimated Seasonal High Water Table ESHWT at the PCBMP. Include a soils report with borings at the PCBMP location which documents the ESHWT. A soil scientist shall interpret the soil characteristics for ESHWT determination. The bottom of the PCBMP shall be above the ESHWT. See DuPage County Estimated Seasonal High Water Table brochure for guidance. Note the ESHWT elevation on the BMP detail in the plans. See DuPage County Stormwater website for guidance:
<https://cms5.revize.com/revize/dupage/Stormwater%20Management/Documents/Stormwater%20Permitting/Best%20Management%20Practices/ESHWT.pdf>

Estimated Fees – Required AFTER final zoning recommendation and PRIOR to Site Development Permit approval

1. Submit an EOPCC which would include erosion control, storm sewer, PCBMP, public utilities, pavement and sidewalk within the ROW, and the required landscaping.
2. Stormwater Management Review Fee: **TBD**
3. Stormwater Inspection Fee: **\$500 + 2.5% of total EOPCC.**
4. Final Engineering Review and Inspection: **Based upon the EOPCC for Public Improvements.**
5. Development Security: **110% of the total EOPCC. This can be a cash bond, Letter of Credit, or a Performance and Payment Surety Bond.**
6. Other building permit fees will be calculated prior to building permit issuance.

EXHIBIT F

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Warrenville, Illinois ("**City**");

WHEREAS, Farnham Partners LLC, an Illinois limited liability company ("**Owner**"), is the owner of an approximately 0.6-acre parcel of real property commonly known as 3S729 West Avenue, Warrenville, Illinois ("**Property**"); and

WHEREAS, the Owner desires to develop the Property (collectively, the "**Proposed Development**") with four approximately 1,950-square-foot ranch-style single-family residences, each with three bedrooms, two bathrooms, basements, and two-car garages (collectively, the "**Residences**" and, individually, a "**Residence**"), associated access drive, hardscape, landscape, and stormwater improvements, and certain public improvements; and

WHEREAS, in order to construct the Proposed Development on the Property, pursuant to the applicable sections of the Warrenville Zoning Ordinance, codified as Title 10 of the City Code, as amended ("**Zoning Ordinance**"), and the Warrenville Subdivision Control Ordinance, codified as Title 11 of the City Code, as amended ("**Subdivision Regulations**"), the Owner filed an application with the City for approval of: (i) a final plat of subdivision for the Property ("**Final Plat of Subdivision**"); (ii) a combined preliminary and final planned unit development plan for the Property ("**Final PUD Plan**"); (iii) a special use permit for a planned unit development plan for the Property ("**Special Use Permit**"); and (iv) certain modifications from the Zoning Ordinance within the planned unit development ("**Zoning Modifications**") (collectively, (i) through (vi) are the "**Requested Approvals**"); and

WHEREAS, Ordinance No. O2025-____, adopted by the City Council on _____, 2025 ("**Ordinance**"), approved the Requested Approvals; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 90 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to, accept, and consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right, provided that the notice to the Applicant required by Section 9 of the Ordinance is given.

3. The Owner acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's granting of the Requested Approvals or its adoption of the Ordinance, and that the City's approvals do not,

and will not, in any way, be deemed to insure, the Applicant against damage or injury of any kind and at any time.

4. The Owner hereby agrees to hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's adoption of the Ordinance, (c) the development, maintenance and use of its obligations under this Unconditional Consent and Agreement, and (d) the performance by the Applicant of its obligations under this Unconditional Consent and Agreement.

FARNHAM PARTNERS LLC

By: _____

Name: _____

Its: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 2025.

Notary Public