

## ORDINANCE NO. F-0944

### **AN ORDINANCE AMENDING SECTIONS 5.6D, 5.6E and 5.7B(1) OF THE WHEATON ZONING ORDINANCE**

WHEREAS, the Corporate Authorities of the City of Wheaton, desire to streamline procedures for the consideration of proposed amendments and proposed variations to and from the Wheaton Zoning Ordinance; and

WHEREAS, requiring proposed amendments to the Zoning Ordinance and proposed variations to be first sent to the Wheaton City Council, prior to consideration by the appropriate Board, causes unnecessary delay in the processing of the applications without any significant public benefit; and

WHEREAS, any benefit gained by first referring proposed amendments of the Zoning Ordinance and proposed variations to the City Council can be better accomplished by City staff providing informal reports to the City Council pertaining to such applications;

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, that the Wheaton Zoning Ordinance, Sections 5.6D, 5.6E and 5.7B(1) are hereby amended as follows:

**SECTION 1:** That Section 5.6D entitled "Processing of a Proposed Amendment" of the Wheaton Zoning Ordinance is repealed and rescinded in its entirety and replaced with a new Section 5.6D to be entitled "Processing of Proposed Amendments" which shall read as follows:

**5.6D Processing of Amendments.** The Director of Planning and Economic Development shall transmit applications for amendments to the Wheaton Zoning Ordinance to such Boards and Commissions designated under this Ordinance to conduct hearings, review such applications and submit recommendations to the City Council. The City Council may request such other Boards, Commissions or Officials, as it deems appropriate, to submit recommendations regarding proposed amendments to this Chapter.

**SECTION 2:** That Section 5.6E entitled "Hearing" of the Wheaton Zoning Ordinance is hereby repealed and rescinded in its entirety and replaced with a new Section 5.6E "Hearing" which shall read as follows:

**5.6E Hearing.** Upon referral of the proposed amendment to the appropriate hearing body, notice of the hearing shall be given in accordance with section 5.8. The hearing body shall hold a hearing on the proposed amendment at such time

and place as it shall determine. The hearing shall be conducted and a record of the hearing preserved in such manner as the hearing body may determine or in conformance with other provisions of this Ordinance and as may be otherwise required by law. The hearing body shall submit its final recommendation on the proposed amendment to the City Council as soon as reasonably practical, but in no event, later than sixty (60) days from the closing of the public hearing, or within such additional time as may be designated by the City Council. Hearing for special use permits shall be conducted in accordance with Section 5.10(c).

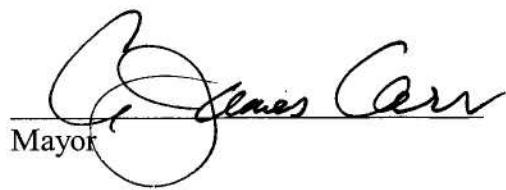
SECTION 3. That Section 5.7B(1) entitled “Application for Non-Administrative Variation and Notice of Hearing is hereby repealed and rescinded in its entirety and replaced with a new Section 5.7B(1) to be entitled “Application for Non-Administrative Variation and Notice of Hearing” which shall provide as follows:

B(1) Application for Non-Administrative Variation and Notice of Hearing. Any application for a non-administrative variation shall be filed with the Director of Planning and Economic Development. The application shall contain such information as the Director of Planning and Economic Development may reasonably require. Any application shall be filed by either the owner of record or the contract purchaser of the property involved. The Director of Planning and Economic Development shall submit the application to the Planning and Zoning Board for a public hearing and recommendation. The Planning and Zoning Board shall submit its recommendation related to the proposed variation to the City Council as soon as reasonably practical, but in no event, later than sixty (60) days from the closing of the public hearing, or within such additional time as may be designated by the City Council. Notice of the Public Hearing shall be given in accordance with Sections 5.7.7.

SECTION 4: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 5: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

SECTION 6: This ordinance shall become effective after its passage, approval and publication in pamphlet form in the manner described by law.

  
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Mayor

ATTEST:

  
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Emily M. Connelley  
City Clerk

Roll Call Vote:

Ayes: Councilman Mouhelis  
Councilman Bolds  
Councilwoman Corry  
Mayor Carr  
Councilwoman Johnson  
Councilman Mork

Nays: None

Absent: Councilman Johnson

Motion Carried Unanimously

Passed: September 20, 2004  
Published: September 21, 2004