

**ORDINANCE NO. F-1067**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3843,  
"AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A  
SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN  
PIECE OF PROPERTY COMMONLY KNOWN AS MORGAN'S ORCHARD LAKE  
SUBDIVISION"**

**WHEREAS**, on November 2, 1992, the City, enacted City Ordinance No. E-3843, entitled "**AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS MORGAN'S ORCHARD LAKE SUBDIVISION**" ("original ordinance"), authorizing a special use permit to allow a single-family planned unit development and the resubdivision of the subject property into nine (9) lots for the purpose of constructing four (4) new residential structures and retaining the five (5) existing residential structures on the subject property commonly known as 2S305 Orchard Road, 2S337 Orchard Road, 2S255 Orchard Road, 2S275 Orchard Road, a 33-foot wide lane commonly known as Fitzer Road, and 2S265 Orchard Road, Wheaton, Illinois; and

**WHEREAS**, application has been made to amend the special use permit for planned unit development authorized by the original ordinance to allow Morgan's Orchard Lake Subdivision to be expanded from nine (9) lots to ten (10) lots following the subdivision of lot one into two single-family lots that will both comply with the minimum lot size and lot width requirements of the Wheaton Zoning Ordinance and Wheaton City Code; and

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on December 14, 2004, to consider the requested amendment to the special use permit for planned unit development authorized by the original ordinance, and the Board has unanimously recommended approval of the request.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** The special use permit for planned unit development authorized pursuant to the original ordinance is, hereby amended to allow Morgan's Orchard Lake Subdivision to be expanded from nine (9) lots to ten (10) lots following the subdivision of the following-described property into two single-family lots:

LOT 1 OF MORGAN'S ORCHARD LAKE P.U.D. BEING A SUBDIVISION OF PART  
OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH,  
RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE  
PLAT THEREOF RECORDED MAY 24, 1996 AS DOCUMENT NO. R96-87623,

IN DU PAGE COUNTY, ILLINOIS.  
P.I.N. 05-29-109-033

The property is commonly known as 1861 Kandahar Court, Wheaton, IL 60187.

**Section 2:** Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, the special use permit for planned unit development authorized and issued in the original ordinance is specifically amended pursuant to the following plat: *"Resubdivision of Lot 1 of Morgan's Orchard Lake P.U.D Resubdivision", prepared by Patrick Engineering, Lisle, Illinois 60532, Sheet 1, dated October 30, 2003 and revised July 19, 2005.*

**Section 3:** The final plat of Resubdivision of Lot 1 of Morgan's Orchard Lake P.U.D. Resubdivision, prepared by Ernst W. Kohn, an Illinois professional land surveyor, dated July 19, 2005 is hereby approved. The Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor and attach a certified copy of this ordinance to the, final plat of Resubdivision of Lot 1 of Morgan's Orchard Lake P.U.D. Resubdivision dated July 19, 2005.

**Section 4:** In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

**Section 4:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**Section 5:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:

Emily M. Connolly  
City Clerk

  
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Mayor

Ayes:

Roll Call Vote  
Councilman Mouhelis  
Councilman Seuss  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays:            None

Absent:        None

Motion Carried Unanimously

Passed:        August 1, 2005

Published:      August 2, 2005