

ORDINANCE NO. F-1634

**AN ORDINANCE GRANTING A VARIANCE FROM THE  
PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD  
PLAIN ORDINANCE –  
NORTHSIDE PARK AND NORTH MAIN STREET FLOOD CONTROL PROJECT**

**WHEREAS**, the Wheaton Park District and the City of Wheaton (“Joint Applicant”) has submitted a written petition requesting the granting of variances from certain provisions of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”) as described hereafter; a variance request from Section 15-133.5 of the Stormwater Ordinance to permit the construction of a parking lot in the regulatory floodplain with flood depths exceeding one foot, and a variance from Section 15-133.24 of the Stormwater Ordinance to permit the reconstruction of a parking lot in the floodway, and a variance from Section 15-133.13 of the Stormwater Ordinance to permit filling, grading, dredging or excavating which changes the base flood elevation, base flood flow rate or the floodway boundary before obtaining a Conditional Letter of Map Revision (CLOMR) from FEMA; and

**WHEREAS**, the request pertains to a permit to construct the Northside Park and North Main Street Flood Control Project (“Project”) located in Wheaton, Illinois; and

**WHEREAS**, the scope of the Project requires the application of stormwater management practices in accordance with the Stormwater Ordinance, which the City has adopted; and

**WHEREAS**, the DuPage County Stormwater Management Committee has granted the City partial waiver status of County enforcement of the Stormwater Ordinance, and as such, the Wheaton City Council has the sole authority to grant variances to the Stormwater Ordinance for projects within the City; and

**WHEREAS**, the stormwater management plan for the Project submitted by the Joint Applicant’s engineer, Christopher B. Burke Engineering, Ltd., Rosemont, Illinois, and dated February 3, 2012, indicates that the Project will be constructed in conformance with the Stormwater Ordinance except for those identified variances; and

**WHEREAS**, pursuant to notice as required by the Stormwater Ordinance, a public hearing was conducted by the Wheaton City Council on March 12, 2012 to consider the variance request.

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

**SECTION 1:** The Wheaton City Council has determined the following findings of fact.

1. Granting the variance will not alter the essential character of the area of the Project Site, including existing stream uses.
2. Carrying out the strict letter of the provisions of the Stormwater Ordinance would create an undue or particular hardship or difficulty on the Owner.

3. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable development of the Project.
4. The Owner's circumstances are unique and do not represent a general condition or problem.
5. The Project is exceptional as compared to other developments subject to the same provisions.

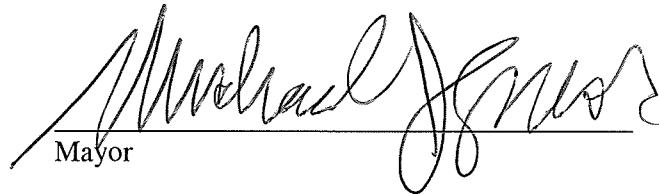
**SECTION 2:** A variance from the provisions of Section 15-133.5 of the Stormwater Ordinance is hereby granted to permit the construction of a parking lot in the regulatory floodplain with flood depths exceeding one-foot, and a variance from Section 15-133.24 of the Stormwater Ordinance is hereby granted to permit the reconstruction of a parking lot in the floodway, all on the property legally described on Exhibit A, attached hereto, with the following conditions and restrictions.

1. The Park District shall post flood warning signs for those areas of the parking lot where flood depths will exceed one-foot.
2. The Park District shall restrict access to the parking lot during flood events.
3. The Park District shall assume all liability for damages caused by vehicular access to the parking lot during all flood events.

**SECTION 3:** A variance from Section 15-133.13 of the Stormwater Ordinance is hereby granted to permit filling, grading, dredging or excavating which changes the base flood elevation, base flood flow rate or the floodway boundary before obtaining a Conditional Letter of Map Revision (CLOMR) from FEMA, on property legally described on Exhibit B, attached hereto.

**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.



\_\_\_\_\_  
Michael J. Gresk  
Mayor

ATTEST:



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Mary Bennett Hagan  
City Clerk

Roll Call Vote:

|       |   |
|-------|---|
| Ayes: | Councilman Mouhelis<br>Councilman Rutledge<br>Mayor Gresk |
|-------|---|

Councilwoman Pacino Sanguinetti  
Councilman Scalzo  
Councilman Suess  
Councilwoman Ives  
Nays: None  
Absent: None

Motion Carried Unanimously

Passed: April 2, 2012

Published: April 3, 2012

EXHIBIT "A"

NORTHSIDE PARK LOCATED AT 1300 N. WEST STREET, WHEATON, IL, AND WITHIN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

EXHIBIT "B"

NORTH MAIN STREET CULVERT OVER WINFIELD CREEK LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

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