

ORDINANCE NO. O-2020-51

**AN ORDINANCE AMENDING THE TEXT OF THE WHEATON ZONING ORDINANCE
ARTICLE 3.4B ZONING DISTRICTS AND GENERAL REGULATIONS -
PREVIOUSLY IMPROVED AND CURRENTLY OPERATING PRIVATE OR PUBLIC UTILITY SUBSTATIONS**

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be appropriate to amend the Wheaton Zoning Ordinance to address issues relating to previously improved and currently operating private or public utility substations; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board, acting as a hearing body on November 10, 2020 and December 8, 2020, to consider said amendment to the text of the Wheaton Zoning Ordinance relating to previously improved and currently operating private or public utility substations.

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 text of the Wheaton Zoning Ordinance, Article 3.4B is hereby amended by the addition of a new subsection 8 which shall read: "8. Previously improved and currently operating private or public utility substations may remain on a lot existing at the time of a new proposed re-subdivision or new subdivision, even if that lot has less than the minimum: lot area, lot depth, and lot width required by the bulk regulations of the zoning district in which it is located, so long as the dimensions of the existing lot remain the same, or are larger, in the re-subdivision or new subdivision."

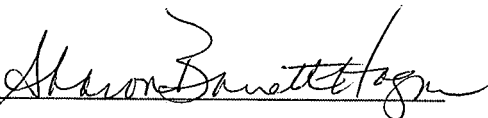
Section 2: This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3: If any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST: 

City Clerk

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 21, 2020
Published: December 22, 2020