

ORDINANCE NO. O-2021-46

AN ORDINANCE AMENDING THE TEXT OF THE WHEATON ZONING ORDINANCE ARTICLE 2 - DEFINITIONS, ARTICLE 15.1.8, AND ARTICLE 15.3.2 TO ALLOW A LICENSED PREPARED MEAL SERVICE BUSINESS BY SPECIAL USE PERMIT IN THE O-R OFFICE RESEARCH DISTRICT

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be appropriate to amend the City Zoning Ordinance Article 2 - Definitions, Article 15.1.8, and Article 15.3.2 to allow a Licensed Prepared Meal Service Business by special use permit in the O-R Office Research District; 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 August 10, 2021, to consider said amendment to the text of the City Zoning Ordinance and the Planning and Zoning Board has 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 Wheaton Zoning Ordinance text is amended by adding a definition of "Licensed Prepared Meal Service Business" to Article 2 - Definitions with the following language:

"Licensed Prepared Meal Service Business: A licensed establishment that prepares meals in a not-ready-to-consume state to individuals and families for future consumption off the premises and food prep for off-site catering."

Section 2: The Wheaton Zoning Ordinance text is further amended by deleting the definition of "Mother and Infant Support Center" from Article 2 - Definitions with the following language:

"Mother and Infant Support Center: A Facility operated by a non-governmental organization providing on-site residential, training, counseling and personal care services to women who are pregnant or who have infant children and providing on-site personal care services to infant children of women residing in the facility."

Section 3: The Wheaton Zoning Ordinance text is further amended by deleting Article 15.1.8 in its entirety and replacing it with the following:

"Article 15.1.8 (Special Use Permit Required): Licensed Prepared Meal Service occupying no more than 800 sq. ft. in a multi-tenant building."

Section 4: The Wheaton Zoning Ordinance text is further amended by deleting Article 15.3.2 in its entirety and replacing it with the following:

"Article 15.3.2 (Standards): No retail sales or services shall be permitted except as incidental or accessory to a permitted or special use."

Section 5: 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 6: 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 7: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Philip Suess

Mayor

ATTEST:

Shawn Bennett, sign

City Clerk

Roll Call Vote

Ayes: Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker

Nays: None

Absent: None

Motion Carried Unanimously

Passed: September 7, 2021

Published: September 8, 2021