

ORDINANCE NO. O-2024-08

**AN ORDINANCE AMENDING ARTICLE V – ADMINISTRATION AND ENFORCEMENT OF THE WHEATON
ZONING ORDINANCE – VARIATION LIMITATIONS**

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has determined it to be appropriate to amend the Wheaton Zoning Ordinance by adding additional language for Variation Limitations; 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 January 23, 2024 and February 27, 2024, to consider said amendment which proposes adding additional language for Variation Limitations.

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 Wheaton Zoning Ordinance, Article V - Administration and Enforcement, is hereby amended by repealing and rescinding Article 5.7b(3).2 in its entirety and replacing it with a new Article 5.7b(3).2, which shall read as follows:

"To permit the use of a lot or lots for use otherwise prohibited solely because of the insufficient area or width of the lot or lots but in no event shall the respective area and width of the lots be less than seventy-five percent (75%) of the required area and width, except for R-1 zoned lots meeting the following:

- (1) At least seventy-five percent (75%) of the zoning lots fronting on both sides of the street within the block, including corner lots, are improved with single-family dwellings; and
- (2) At least fifty percent (50%) of the single-family dwellings fronting on both sides of the street within the block are constructed on zoning lots with the same or less lot width and lot area as the subject lot of record. Dwellings on corner lots of equal or less lot width and/or lot area than the subject lot of record shall be included in this calculation; dwellings on corner lots of greater lot width and/or lot area than the subject parcel shall be excluded."

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.

ATTEST: Andrea Rosedale
City Clerk

PhilipfSuess
Mayor

Roll Call Vote:

Ayes: Councilman Weller
Councilman Barbier
Mayor Suess
Councilman Clousing
Councilwoman Robbins

Nays: None

Absent: Councilwoman Bray-Parker
Councilman Brown

Motion Carried Unanimously

Passed: March 4, 2024

Published: March 5, 2024