

ORDINANCE NO. F-0688**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP
AND GRANTING A SPECIAL USE PERMIT FOR A
RESIDENTIAL PLANNED UNIT DEVELOPMENT ON A
CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
104 WEST FARNHAM LANE/FARNHAM RIDGE P.U.D.**

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, and to issue a special use permit for residential planned unit development on the property legally described herein within the city limits of Wheaton, Illinois ("City"), and commonly located at 104 West Farnham Lane; 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 on January 23, 2002, to consider the issuance of a special use permit for a residential planned unit development; and the Planning and Zoning Board has recommended the issuance of the special use permit.

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 City makes the following Findings of Fact:

A. All of the Findings of Fact made and determined by the Wheaton Planning and Zoning Board, as more specifically recited in its report to the Mayor and City Council, are incorporated into this ordinance, by this reference, as though fully set forth.

B. The provisions of the Wheaton Zoning Ordinance, specifically Article 5.10, "Planned Unit Development", are specifically applicable to the subject property based upon the fact that two or more principal residences are being requested to be constructed on a single zoning lot.

C. The Wheaton Zoning Ordinance objectives for the permission and development of a Planned Unit Development on the subject property will be promoted by:

1. Encouraging the placement of residential improvements on the subject property in conformity with the natural characteristics of the land;
2. Preserving the natural features of the subject property, including vegetation and open space;
3. Promoting harmonious architectural styles, building forms, building massing and building relationships within the development and between the development and its surrounding residential neighborhood;

4. Promoting the efficient use of land and a more economical development of the subject property with respect to the curb cut onto Farnham Lane and providing only one driveway to service the two (2) residential improvements on the subject property; and
5. Promoting open space and aesthetic amenities on the subject property by limiting the improvements thereon to only two (2) residential structures and permitted accessory uses and improvements on the building “envelopes” illustrated on the Preliminary Engineering Plan for Farnham Ridge P.U.D., prepared by Cemcon, Ltd., dated December 3, 2001 (“Preliminary Engineering Plan”).

D. The development of the subject property with two residential improvements as a Planned Unit Development complies with the standards for special use permits, as recited in Article 5.9.4 of the Wheaton Zoning Ordinance.

Section 2: The following-described property has been and continues to be zoned in the R-2 Residential District zoning classification:

LOT 1 IN HALLEEN’S SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

PIN 05-21-303-044

This property is commonly located at 104 West Farnham Lane, Wheaton, IL 60187.

Section 3: A special use permit is hereby issued to allow for the construction and use of a Planned United Development in full compliance with the site plan entitled, “Farnham Ridge P.U.D. Plan”, prepared by Cemcon, Ltd., dated December 3, 2001 (“Site Plan”) and in further full compliance with the following conditions, restrictions and requirements:

A. There shall be a minimum real estate area of 48,000 square feet for each residential dwelling unit to be constructed on the subject property; there shall be no more than two (2) residential dwelling units constructed on the subject property.

B. The following bulk regulations shall apply to the construction of any residential dwelling unit on the subject property:

1. A minimum front yard of one hundred feet (100’);
2. A minimum rear yard of fifty feet (50’);
3. A minimum side yard of fifteen feet (15’); and
4. A maximum floor area ratio of improvement to building envelope of forty percent (40%).

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C. Prior to the issuance of building permit, the owner/developer shall provide the City with all documentation required pursuant to Article 5.10.4.2 ("Unified Ownership") and 5.10.4.4 ("Covenants and Restrictions to be Enforceable by the City") of the Wheaton Zoning Ordinance; the documentation shall be all subject to the reasonable approval of the City Attorney.

D. Owner/Developer shall file a tree preservation plan in connection with an application for a building permit with the City; the plan shall be subject to the reasonable approval of the Director of Planning.

E. Prior to the issuance of an occupancy permit, the owner/developer shall install a sidewalk in front of the subject property as required by Section 58-74 of the Wheaton City Code.

F. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of J. P. Carney, Recorder of Deeds, DuPage County, Illinois.

G. By application for, and receipt of, any site development or building permit and the commencement of construction of any improvements on the subject property, owner, for himself/itself, his/its successors, assigns, and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property, in perpetuity.

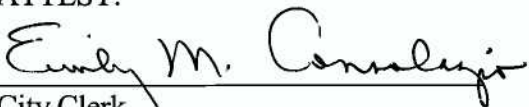
Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



Mayor

ATTEST:



City Clerk

Ayes:

- Roll Call Vote:
Councilman Gresk
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays: Councilman Mouhelis

Absent: Councilman Eckhoff

Motion Carried

Passed: March 18, 2002

Published: March 19, 2002