

**ORDINANCE NO. F-0923**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. F-0153  
“AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP  
AND GRANTING A SPECIAL USE PERMIT AND ZONING VARIATIONS TO  
ALLOW THE RECONFIGURATION OF THE PARKING LOT FOR THE  
WHEATON PUBLIC LIBRARY” (“ORIGINAL ORDINANCE”)**

WHEREAS, on July 7, 1997 the City of Wheaton, Illinois (“City”) enacted Ordinance No. F-0153 “An Ordinance amending the Wheaton Zoning Map and granting a Special Use Permit and Zoning Variations to allow the reconfiguration of the parking lot for the Wheaton Public Library” recorded as Document R-97-112529 in the Office of the DuPage County Recorder on August 1, 1997 (“Original Ordinance”) authorizing the reconstruction and reconfiguration of the City of Wheaton’s Library Parking Lot; and

WHEREAS, application has been made to amend the original ordinance to allow a three-story addition to be constructed on the Wheaton Public Library with a side yard abutting a street setback adjacent to Seminary Avenue of 3.46 feet in lieu of the required 24.25 feet; 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 City Council on June 28, 2004 to consider the variation and amendment to the special use permit.

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

Section 1: The following legally described property has been and continuous to be zoned and classified in the I-1 Institutional Zoning District classification:

LOT 1 OF THE WHEATON PUBLIC LIBRARY PLAT OF CONSOLIDATION, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 23, 1998 AS DOCUMENT R98-13633 IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-16-135-014

Section 2: Pursuant to the findings of fact made and determined by the Wheaton City Council, a variation to Article 14.2A.2 is hereby granted to allow the construction of a three-story addition on the Wheaton Public Library with a side yard abutting a street setback adjacent to Seminary Avenue of 3.46 feet in lieu of the required 24.25 feet.

Section 3: The original ordinance is hereby amended by deleting the previously referenced plans in lieu of the following plans entitled “Wheaton Public Library Addition” dated 12/18/03 Volume 1, Site, Architectural and Construction, Sheets C1 through S5-10 all prepared by Burnidge Cassell Associates, 2425 Royal Blvd., Elgin, IL 60123.

Section 4: The terms and provisions of the original ordinance are ratified and remain in full force and effect for all ordinances and past ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 5: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction such invalidity shall not affect the remainder of this ordinance.

Section 6: That this ordinance shall be in force and effect 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 Mouhelis  
Councilman Bolds  
Councilwoman Corry  
Mayor Carr  
Councilman Johnson  
Councilwoman Johnson  
Councilman Mork

Nays: None

Absent: None

Motion Carried Unanimously

Passed: July 6, 2004  
Published: July 7, 2004