

**ORDINANCE NO. F- 1518**

**AN ORDINANCE AMENDING ORDINANCES F-1196 and F-1253, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 217 & 223 N. GARY AVENUE, 414 & 416 W. SEMINARY AVENUE, 214 & 224 N. WEST STREET (CITY HOMES OF NORTH WHEATON) – DAVIDSON HOMES"**

**WHEREAS**, on August 21, 2006, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1196 recorded on December 11, 2006, as Document No. R2006-237043, at the DuPage County Recorder of Deeds Office, "ORDINANCE F-1196, AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 217 & 223 N. GARY AVENUE, 414 & 416 W. SEMINARY AVENUE, 214 & 224 N. WEST STREET (CITY HOMES OF NORTH WHEATON) – DAVIDSON HOMES" ("Original Ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of a twelve home development on the property legally described on Exhibit "A" attached hereto and commonly known as 217 & 223 N. Gary Avenue, 414 & 416 W. Seminary Avenue and 214 & 224 N. West Street, Wheaton, Illinois; and

**WHEREAS**, on February 6, 2007, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1253 recorded on February 27, 2007, as Document No. R2007-035580, at the DuPage County Recorder of Deeds Office, "ORDINANCE F-1253, AN ORDINANCE AMENDING ORDINANCE F-1196, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 217 & 223 N. GARY AVENUE, 414 & 416 W. SEMINARY AVENUE, 214 & 224 N. WEST STREET (CITY HOMES OF NORTH WHEATON) – DAVIDSON HOMES" ("Amended Ordinance"), which amended the site plan and building elevation plan referred to in the Original Ordinance to accommodate the option to either use a single brick color or up to three different brick colors and a private lighting plan in lieu of City street lighting on the property legally described on Exhibit "A" attached hereto and commonly known as 400 thru 490 W. Seminary Avenue, Wheaton, Illinois; and

**WHEREAS**, following the enactment of the Amended Ordinance, an application has been made to amend the site plan referred to in the Original and Amended Ordinance to increase the height of the development's perimeter decorative fence from 42 inches to 60 inches along the rear yard of the unit adjacent to Gary Avenue; and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

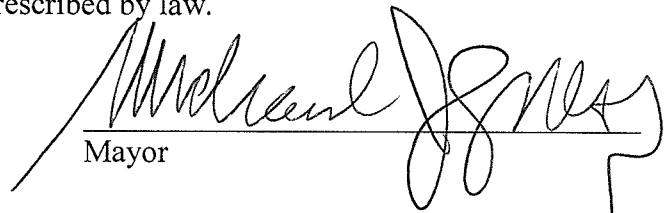
**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: An amendment to the Original and Amended Ordinance is hereby granted to increase the height of the development's perimeter decorative fence from 42 inches to 60 inches along the rear yard of the unit adjacent to Gary Avenue; in substantial compliance with the plans entitled "*City Homes of North Wheaton - Fence*" dated 9/29/10, prepared by *Davidson Homes, Wheaton, IL*.

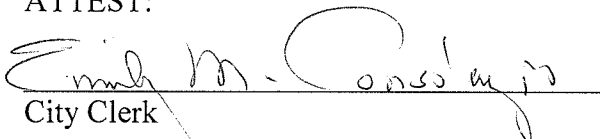
Section 2: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote

Ayes: Councilman Sues  
Councilwoman Corry  
Councilman Levine  
Councilman Mouhelis  
Mayor Gresk  
Councilman Prendiville  
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

Passed: October 4, 2010  
Published: October 5, 2010

EXHIBIT "A"

LEGAL DESCRIPTION

CITY HOMES OF NORTH WHEATON RESUBDIVISION UNITS 1 & 2, BEING SUBDIVISIONS IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 31, 2008 AS DOCUMENT R2008-016284 AND OCTOBER 22, 2008 AS DOCUMENT R2008-156867 IN DUPAGE COUNTY, ILLINOIS

PIN #'S: 05-17-232-014 thru 019 and 05-17-232-021 thru 027.

The subject property is commonly known as 400 thru 490 W. Seminary Avenue, Wheaton, IL 60187.

