

**ORDINANCE NO. O-2019-05**

**AN ORDINANCE AMENDING ORDINANCES NO. F-0688 AND O-2018-36 "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 LANE P.U.D."**

WHEREAS, on March 18, 2002, the City of Wheaton, Illinois ("City"), enacted City 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 LANE P.U.D." ("Original Ordinance"), authorizing a special use permit for a residential planned unit development on property commonly known as 104 and 110 W. Farnham Lane "Subject Property"; and

WHEREAS, on July 2, 2018, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. O-2018-36 "AN ORDINANCE AMENDING 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 LANE P.U.D." ("First Amended Ordinance"), which amended the restriction that only one driveway could service the two residential improvements on the Subject Property; and

WHEREAS, following the enactment of the Original and First Amended Ordinance, an application has been submitted to the City to allow for the abrogation of the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for Farnham Ridge Condominium, Recorded May 20, 2011 and recorded as DuPage County Document Number R2011-062189 (the "Condominium Declaration"), and the approval of a plat of subdivision for Farnham Lane Estates for the Subject Property (collectively the "Applications"); 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 (the "Board") on December 11, 2018, to consider the Applications, and on the same day, the Board unanimously recommended approval of the Applications.

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 following legally described property has been, and continues to be zoned and classified in the R-2 Residential zoning district classification:

UNIT E IN FARNHAM RIDGE CONDOMINIUM AS DELINEATED ON A SURVEY OF LOT 1 IN HALLEEN'S SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF DUPAGE COUNTY, ILLINOIS, ON MAY 20, 2011 AS DOCUMENT NUMBER R2011062189, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENT APPURTENANT TO SAID UNIT AS SAID FORTH IN SAID DECLARATION.

UNIT W IN FARNHAM RIDGE CONDOMINIUM AS DELINEATED ON A SURVEY OF LOT 1 IN HALLEEN'S SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED

OCTOBER 6, 1983 AS DOCUMENT NUMBER R83-72885, IN DUPAGE COUNTY ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF DUPAGE COUNTY, ILLINOIS, ON MAY 20, 2011 AS DOCUMENT NUMBER R2011062189, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENT APPURTENANT TO SAID UNIT AS SAID FORTH IN SAID DECLARATION.

The Subject Property is commonly known as 104 and 110 W. Farnham Lane, Wheaton, IL 60189.

P.I.N. 05-21-312-001, -002

Section 2: Ordinance No. F-0688 ("Original Ordinance") is hereby amended by repealing and rescinding the following Sub-Sections in their entirety: 1.B, 1.C.4, 3.B, 3.C and 3.E.

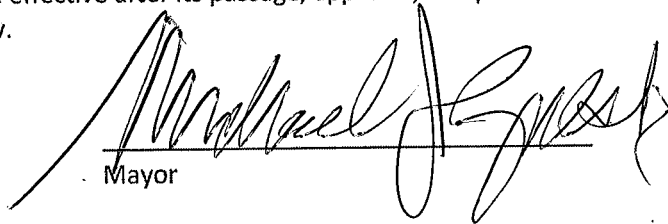
Section 3: The Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for Farnham Ridge Condominium, dated May 2, 2011, and recorded May 20, 2011 is hereby abrogated.

Section 4: The Final Plat of Subdivision for Farnham Lane Estates entitled "Final Plat of Subdivision, Farnham Lane Estates" prepared by Engineering Resource Associates, Warrenville, IL, dated September 26, 2018 is hereby approved, and the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to, the Final Plat of Subdivision.

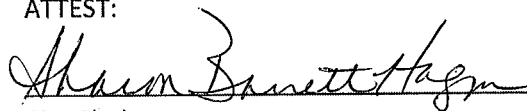
Section 5: In all other respects, the terms and provisions of the Original Ordinance and the First Amended Ordinance are ratified and remain in full force and effect.

Section 6: All Ordinances and parts of Ordinances in conflict with these provisions are hereby repealed.

Section 7: 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 Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Sues

Nays: None

Absent: Councilman Scalzo

Motion Carried Unanimously

Passed: January 7, 2019  
Published: January 8, 2019



EXHIBIT A

