

ORDINANCE NO. F-2019

**AN ORDINANCE AMENDING PORTIONS OF CITY OF WHEATON
ZONING ORDINANCE – ARTICLE III ZONING DISTRICTS AND GENERAL
REGULATIONS AND ARTICLE XIV I-1 INSTITUTIONAL DISTRICT**

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

WHEREAS, the Corporate Authorities of the City have determined that it is appropriate and necessary to amend the text of the Wheaton Zoning Ordinance, Article III Zoning Districts and General Regulations and Article XIV I-1 Institutional District to address the lack of a public process and to evaluate whether the smaller lot characteristics for the single-family dwellings in the I-1 zoning district are appropriate for other I-1 zoned properties within the City; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Board on April 25, 2017 and May 9, 2017, on a proposed amendment to the Wheaton Zoning Ordinance which maintains the current I-1 zoning classification for the Loretto Convent property and the area around Wheaton College and creates a new institutional zoning district classification (the I-2 Institutional zoning district) for the other properties in the City that are presently zoned I-1, but contain no residential uses.

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

SECTION 1: The City of Wheaton Zoning Ordinance, is hereby amended by the adoption of Exhibit 1 which is attached hereto and incorporated herein as if fully set forth. Those sections of the City of Wheaton Zoning Ordinance referenced in Exhibit 1 shall fully supplant and replace those sections of the City of Wheaton Zoning Ordinance existing prior to the adoption of this Ordinance which hereby are rescinded. In all other respect the City of Wheaton Zoning Ordinance is reaffirmed.

SECTION 2: That all ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 3: That this ordinance shall become effective June 19, 2017, after its passage, approval and publication in the form and manner prescribed by law.



Mayor

Attest:



City Clerk

Roll Call Vote:

Ayes: Councilman Sues
Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

Passed: June 19, 2017
Published: June 20, 2017

EXHIBIT 1

ARTICLE III

ZONING DISTRICTS AND GENERAL REGULATIONS

3.1 Districts.

The City of Wheaton, Illinois, is hereby divided into the following zoning districts. The following are general descriptions, but not definitions of City zoning districts, which shall be controlled by the specific provisions contained in the articles of each district:

R-1 Residential District: A district designed primarily for single-family dwellings with a lot size of not less than one (1) acre (.405 hectares) per dwelling unit.

R-2 Residential District: A district designed primarily for single-family dwellings with a lot size of not less than 14,000 square feet (1,300.64 sq. m.) per dwelling unit.

R-3 Residential District: A district designed primarily for single-family dwellings with a lot size of not less than 10,000 square feet (929.03 sq. m.) per dwelling unit.

R-4 Residential District: A district designed primarily single-family dwellings with a lot size not less than 7,260 square feet (674.48 sq. m.) per dwelling unit.

R-5 Residential District: A district designed primarily for single-family and multiple family dwellings.

R-6 Residential District: A district designed for single-family and multiple-family dwellings and limited business uses.

R-7 Residential District: A district designed for multiple-family dwellings and limited business uses.

I-1 Institutional District: A district designed for single-family dwellings, institutional and public buildings and uses.

I-2 Institutional District: A district designed primarily for institutional and public buildings and uses.

O-R Office and Research District: A district designed for business and professional offices, and research laboratories.

C-1 Local Business District: A district designed to provide for the convenience shopping of persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy most of the basic shopping needs of nearby residents which occur daily or with great frequency and therefore require limited shopping facilities located in relative proximity to places of residence.

C-2 Retail Core Business District: A district designed primarily for those retail uses which are compatible with a pedestrian shopping area.

ARTICLE XIV

I-1 INSTITUTIONAL DISTRICT

14.1 Permitted Uses

1. Single-family dwellings.
2. Elementary or high schools.
3. Parks and forest preserves.
4. Group Care Homes, with no more than five (5) occupants, including staff persons, and not located within 500 feet of another Group Care Home.

Special Use Permit Required

1. Art galleries, libraries, museums, private clubs, and similar uses.
2. Golf courses.
3. Colleges or universities.
4. Governmental buildings or uses.
5. Senior citizen home sharing facility.
6. Group Care Homes, with six (6) to fifteen (15) occupants, including staff persons, and not located within 500 feet of another Group Care Home.
7. Not-for-profit, governmental and specialty school uses in elementary, middle and high school buildings no longer used for teaching purposes.
8. Buildings primarily devoted to Religious Worship.
9. Private or public utility substations.

14.2 Bulk Regulations

A. Special Uses

1. No special use building shall be closer to any lot line of a lot containing a single-family dwelling, or which may be used for a single-family dwelling, and is not owned by the institution or government owning the special use building than the

distance equal to the height of such a building or thirty (30) feet (9.14 m.) whichever is greater.

2. No special use building shall be closer to any street line than the lesser of thirty (30) feet (9.14 m.) or fifty percent (50%) of the height of such building.

B. Permitted Uses

1. A maximum height of thirty-five (35) feet or three (3) stories, whichever is less.
2. A minimum lot size.
 - a. For single-family dwellings: 7,260 sq. ft. (674.5 sq. m.).
 - b. For all other uses: One and one-half (1½) acres (65,340 sq. ft.) (6,070 sq. m.).
 - c. For parks and forest preserves: No minimum lot size.
3. A maximum lot coverage of forty percent (40%).
4. A minimum lot width of fifty (50) feet (15.24 m.).
5. A minimum front yard depth of thirty (30) feet (9.14 m.); provided that if a setback has been maintained for existing buildings on lots having a frontage of fifty percent (50%) or more of the total frontage on the block, there shall be a minimum setback of such existing buildings, but said minimum setback shall be no less than fifteen (15) feet (4.57 m.), but in no circumstance shall the minimum setback be more than forty percent (40%) of the depth of the lot.
6. A minimum side yard width: Minimum side and rear yard depth as required by the general regulations.
7. Floor Area Ratio for single-family dwellings: forty percent (40%); provided, however, this floor area ratio requirement is applicable only to the construction of residences or additions thereto for which building permits have issued on and after October 17, 1989.
8. A minimum lot depth of 132 feet.

14.3 Standards.

All property located in this district is subject to the general standards and regulations of this ordinance except as follows:

1. There may be more than one (1) college or university building on a lot provided that the requirements of this ordinance, as to new or remodeled buildings, on such lot are met.

2. Off-street parking as required by Article XXII, accessory to a college or university building, may be located within the I-1 district without restrictions as to distance limitations set forth in Section 22.2.8.

Special Uses located in this district are also subject to the following additional standards:

1. All operations, activities other than recreational or educational and other outside activities which are part of the college or university programs, and storage shall be conducted wholly inside a building or buildings, except that storage may be maintained outside a building in side yards or rear yards if no part of the storage is less than fifteen (15) feet (4.57 m.) from any lot line of the lot on which the special use is located and if such storage area is separated from other property (except property located in a Commercial or Industrial District) and public streets by screening.
2. No retail sales or services shall be permitted, except as incidental or accessory to a special use.
3. Dispensing of gasoline from underground storage tanks on premises shall be limited to the requirements of vehicles necessary to the conduct of a special use.
4. Service and maintenance of vehicles shall be permitted only such as is necessary to the conduct of a special use.
5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting excessive glare upon adjacent property.
6. All premises shall be furnished with all-weather hard-surface walks and, except for parking areas, the grounds shall be landscaped.
7. If the lot contains a use other than a residential building, and adjoins a lot containing a residential building, screening shall be provided at the lot line sufficient to protect on a year-round basis, the privacy of, the adjoining residential uses.
8. Architectural and site plan approval (5.5) shall be required for all permitted uses listed in Section 14.1 except 1, 3, and 4.

ARTICLE XIV.I

I-2 INSTITUTIONAL DISTRICT

14.1.1 Permitted Uses

1. Elementary or high schools.

2. Parks and forest preserves.

Special Use Permit Required

1. Art galleries, libraries, museums, private clubs, and similar uses.
2. Golf courses.
3. Colleges or universities.
4. Governmental buildings or uses.
5. Not-for-profit, governmental and specialty school uses in elementary, middle and high school buildings no longer used for teaching purposes.
6. Buildings primarily devoted to Religious Worship.
7. Private or public utility substations.

14.1.2 Bulk Regulations

A. Special Uses

1. No special use building shall be closer to any lot line of a lot containing a single-family dwelling, or which may be used for a single-family dwelling, and is not owned by the institution, or government owning the special use building, than the distance equal to the height of such a building or thirty (30) feet (9.14 m.) whichever is greater.
2. No special use building shall be closer to any street line than the lesser of thirty (30) feet (9.14 m.) or fifty percent (50%) of the height of such building.

B. Permitted Uses

1. A maximum height of thirty-five (35) feet or three (3) stories, whichever is less.
2. A minimum lot size.
 - a. For parks and forest preserves: No minimum lot size.
 - b. For all other uses: One and one-half (1½) acres (65,340 sq. ft.) (6,070 sq. m.).
3. A minimum front yard depth of thirty (30) feet (9.14 m.); provided that if a setback has been maintained for existing buildings on lots having a frontage of fifty percent (50%) or more of the total frontage on the block, there shall be a minimum setback of such existing buildings, but said minimum setback shall be no less than fifteen (15) feet (4.57 m.), but in no circumstance shall the minimum setback be more than forty percent (40%) of the depth of the lot.

4. A minimum side yard width: Minimum side and rear yard depth as required by the general regulations.

14.1.3 Standards.

All property located in this district is subject to the general standards and regulations of this ordinance except as follows:

1. There may be more than one (1) college or university building on a lot provided that the requirements of this ordinance as to new or remodeled buildings on such lot are met.
2. Off-street parking as required by Article XXII, accessory to a college or university building, may be located within the I-1 district without restrictions as to distance limitations set forth in Section 22.2.8.

Property located in this district is also subject to the following additional standards:

1. All operations, activities other than recreational or educational and other outside activities which are part of the college or university programs, and storage shall be conducted wholly inside a building or buildings, except that storage may be maintained outside a building in side yards or rear yards if no part of the storage is less than fifteen (15) feet (4.57 m.) from any lot line of the lot on which the use is located and if such storage area is separated from other property (except property located in a Commercial or Industrial District) and public streets by screening.
2. No retail sales or services shall be permitted, except as incidental or accessory to a permitted or special use.
3. Dispensing of gasoline from underground storage tanks on premises shall be limited to the requirements of vehicles necessary to the conduct of a permitted or special use.
4. Service and maintenance of vehicles shall be permitted only such as is necessary to the conduct of a permitted or special use.
5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting excessive glare upon adjacent property.
6. All premises shall be furnished with all-weather hard-surface walks and, except for parking areas, the grounds shall be landscaped.
7. If the lot adjoins a lot containing a residential building, screening shall be provided at the lot line sufficient to protect, on a year-round basis, the privacy of the adjoining residential uses.

8. Architectural and site plan approval (5.5) shall be required for all permitted uses listed in Section 14.2 except 2.
9. Downtown design review in accordance with Section 5.12 shall be required for all uses located within the Downtown Design Review Overlay District.

