

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.

C-3 General Business District: A district designed to permit most ordinary commercial uses.

C-4 CBD Perimeter Commercial District: A district designed to permit use of residential structures for limited commercial uses.

C-5 Planned Commercial District: A district designed to accommodate retail and service businesses whose service area is not confined to any one neighborhood but from a wider trade area

D-O Downtown Design Review Overlay District: An overlay district designed for Downtown Wheaton and its periphery.

M-1 Manufacturing District: A district designed to permit certain industrial uses.

3.2 Map.

The boundaries of the districts listed in Section 3.1 are indicated on the Zoning Map of the City of Wheaton, a copy of which is on file in the office of the Director of Planning & Economic Development in City Hall and is identified on its face as a part of this ordinance, and the said Zoning Map with all notations, references, and other matters thereon, is as much a part of this ordinance as if such notations, references, and other matters were specifically set forth herein. It is the intent of the City Council that the entire area of Wheaton, including all land and water areas, streets, alleys and railroad and other rights-of-ways, be included in the districts established by this ordinance. Any area not shown on the Wheaton Zoning Map as being included in any district shall be deemed to be in the R-1 Residential District. All territory which may hereafter be annexed to the City of Wheaton shall automatically be classified R-1 Residential District until otherwise changed by ordinance after public hearing.

3.3 Boundaries.

In the event ambiguities exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. The district boundaries are the center lines of streets or alleys unless otherwise indicated, and where the designation of a boundary line on the zoning map coincides with the location of a street or alley, the center line of such street or alley shall be construed to be the boundary of such district.
2. Where the district boundaries do not coincide with the location of streets or alleys but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

3. Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundaries shall be determined by scaling the official zoning map.

3.4 General Regulations

A. Except as hereinafter specifically provided:

1. Not more than one (1) principal residential building shall be located on a single lot nor shall a principal residential dwelling be located on the same lot with any other principal building except as may be expressly permitted by this ordinance.
2. No part of a lot shall be included as a part of a lot required for any other building, or use, except as herein specifically provided.
3. All of the lot required in connection with any use or structure shall be located on the same lot as such use or structure except as specifically provided herein.
4. No part of a lot, yard, open space, off-street parking or loading space provided in connection with any structure, or use (including, but not limited to any structure, or use existing on the effective date of this ordinance or of any amendment thereof) shall subsequently be reduced below, or further reduced if already less than, the minimum requirement of this ordinance for equivalent new construction.
5. In any residential district, and for permitted uses in the I-1 District, the minimum side yard width shall be as follows:
 - a. The minimum side yard for structures or parts of structures which do not exceed 1½ stories, shall be the lesser of 8% of the lot width or 10 feet.
 - b. The minimum side yard for structures or parts of structures in excess of 1½ stories, shall be the lesser of 14% of the lot width or 15 feet.
 - c. The minimum side yard width for a side yard adjoining a public street shall be 20 feet, but shall be only 12 feet if there are no more than two lots in the block with lot lines facing said public street. Provided, however, that no side yard adjoining a public street shall be less than the side yard required by 3.4A-5 a or b.

6. The minimum rear yard depth in residential districts, and for permitted uses in the I-1 District, shall be twenty-five (25) feet.
7. Bay windows, balconies, eaves, chimneys, gutters and down-spouts may project a maximum of 24 inches (.61 m.) into required front, rear or side yards.
8. Garages, Storage Sheds and Carports
 - a. One-story detached garages, storage sheds, and carports more than forty (40) feet (12.2 m.) behind the required front setback line shall be set back at least five (5) feet (1.52 m.) from the rear lot line and at least three (3) feet (.91 m.) from the side lot line, provided that on a corner lot, the distance from the side street lot line shall be the same as required for the principal structure on the lot.
 - b. One and one-half story detached garages more than 40 feet behind the required setback shall be setback from the side lot line a distance equal to the lesser of 8% of the lot width or 10 feet, and setback from the rear lot line a distance equal to the lesser of 8% of the lot width or 10 feet, but in no case shall the rear yard setback be less than five feet. On a corner lot, the distance from the side street lot line shall be the same as required for the principal structure on the lot.
 - c. All detached garages, storage sheds, and carports less than forty (40) feet (12.2 m.) behind the required front setback line shall comply with the bulk regulations of the district in which they are located.
 - d. All detached garages, storage sheds, and carports shall be located at least four (4) feet (1.22 m.) from the principal structure, and the intervening space may be roofed but not enclosed.
9. If a lot contains both residential and non-residential uses, the requirements of this ordinance as to off-street parking, minimum lot size, and minimum usable open space shall be applied to each use, and then combined, to determine the minimum standards applicable to the lot. (Example: A building containing 1200 sq. ft. of office space and 2 dwelling units in the R-7 district would be required to provide 8 parking spaces, a 14,000 sq. ft. lot, and 1,050 sq. ft. of usable open space).
10. Where two or more contiguous substandard lots of record or parts of contiguous substandard lots of record are in common ownership and are of such size as to constitute at least one conforming zoning lot, such lots of record or portions thereof shall be so joined, developed and used jointly

for the purpose of forming an effective and conforming zoning lot(s). Such contiguous substandard lots of record in common ownership on March 4, 1997 shall be considered jointly thereafter as being a single parcel, lot or zoning lot for the purpose of this Zoning Ordinance.

B Notwithstanding any of the provisions of this Zoning Ordinance to the contrary:

1. Any vacant lot of record recorded in the office of the County Record of Deeds prior to January 1, 1967, which was not in common ownership with surrounding property on or after March 4, 1997, and which does not conform to the required minimum lot size and width may be used for single-family residential purposes, only, provided it conforms to all of the following requirements:
 - a. The lot of record is not less than fifty feet (50') wide, unless otherwise permitted pursuant to the applicable bulk regulations or by variation granted by the City Council; and
 - b. The subject lot of record cannot be combined with adjoining land to increase lot width or lot area to meet the minimum lot requirements for a single family dwelling because:
 - (1) The necessary adjoining land is public property that is unavailable for purchase;
 - (2) The adjoining land is part of an improved zoning lot and is necessary either to maintain the adjacent improved zoning lot in conformity with the bulk requirements or to prevent the improved zoning lot from becoming more non-conforming; or
 - (3) The applicant has made a good faith effort to obtain adjoining land, but has not been able to do so; and
 - c. The subject lot of record fronts on a street and lies between two intersecting streets where, exclusive of the subject lot of record:
 - (1) At least seventy-five percent (75%) of the zoning lots fronting on both sides of the street within the block, including corner lots, are improved with single-family dwellings; and
 - (2) At least fifty percent (50%) of the single-family dwellings fronting on both sides of the street within the block are constructed on zoning lots with the same or less lot width and lot area as the subject lot of record. Dwellings on corner lots of equal or less lot width and/or lot area than the subject lot of record shall be included in this calculation; dwellings on

corner lots of greater lot width and/or lot area than the subject parcel shall be excluded.

2. Notwithstanding the requirements of the proceeding paragraphs, a new single family dwelling may be constructed and maintained upon a vacant lot of record which has less than the minimum lot width and minimum lot area required by the bulk requirements of said Zoning District and has been in common ownership with an adjacent lot of record which may be improved with a single-family dwelling wholly contained on the adjacent whole lot of record, provided any new single-family dwelling and accessory structures erected on the subject lot of record conform to all other bulk requirements of the zoning district in which it is located, and further provided:
 - a. At the time of sale or transfer of the subject lot of record which resulted in a separation of ownership from the adjacent lot of record, the seller had been the legal or beneficial common owner of the subject lot and the adjoining lot of record on March 4, 1997. If the property was held in a trust or land trust on March 4, 1997, the rights granted in this section shall only apply to a person who was a beneficial owner under the trust or land trust; and
 - b. At the time of the above-referenced sale, all of the other conditions set forth in Subparagraphs 1(a) and (c) of Paragraph 3.4B above are met. (With regard to 3.4B.1(c-2), the "subject lot of record" is only the unimproved subject lot of record, and the adjacent lot of record shall count as an improved zoning lot.); and
 - c. At such time as a new house is constructed on the vacant lot of record, the total dimension of the combined adjacent side yards on the newly developed subject lot of record and the previously improved adjacent lot of record will meet the total side yard width requirements of both the newly developed and previously improved lots of record. By way of example, should the previously improved adjacent lot of record consist of a one story single-family dwelling on a fifty foot (50') wide lot with a side yard width adjacent to the vacant lot of record of two feet (2') (side yard width of four feet (4') is required), the newly developed subject lot of record, consisting of a one story single-family dwelling on a fifty foot (50') wide lot, shall have a side yard width adjacent to the previously improved adjacent lot of record of six feet (6').
3. Notwithstanding the requirements of the preceding paragraphs of this Section of the Zoning Code, in the event that a single-family dwelling is located on a zoning lot which lawfully existed on or which was lawfully established thereafter, such previously improved zoning lot may continue

to be used as a zoning lot for single-family dwelling purposes, and additions to, enlargements of, extensions of and reconstruction or replacement of the dwelling shall be permitted, provided all of the following conditions are met:

- a. The lawfully existing zoning lot has a lot width of not less than fifty feet (50'), unless otherwise permitted by variation granted by the City Council; and
 - b. A permit has been issued authorizing demolition and removal of the existing residential dwelling unit; and
 - c. Any new construction, additions, enlargements, extensions, replacements or reconstruction and accessory structures erected on the lawfully existing zoning lot shall conform to all bulk requirements of the Zoning District in which it is located and all ordinances of the City, with the exception of minimum lot width and minimum lot area requirements.
4. If any lot adjoins one or more of the following streets, all buildings and canopy structures shall be set back at least seventy (70) feet from the center line of such street or streets, or twenty (20) feet from the right-of-way line, whichever is greater. All permanent signs except signs permitted by Section 22.2, paragraphs 1 through 6, shall be set back a minimum of fifty (50) feet from the center line of such street or streets, or ten (10) feet from the right-of-way line, whichever is greater. Provided, however, that if the district regulations require a greater setback, then they shall apply.

County Farm Road (north of Roosevelt Road)
Orchard Road
Leask Lane
Gary Avenue (north of Harrison Avenue)
Blanchard Street (southwest of President Street)
President Street (south of Lowden Avenue)
Manchester Road
Naperville Road (south of Roosevelt Road)
Geneva Road
Main Street (north of Prairie Avenue)
Roosevelt Road
Butterfield Road

5. All equipment and facilities used in supplying gas, sewer, water, electric, communication or governmental services of any kind shall be permitted in accordance with the applicable district regulations, except communication equipment and facilities shall not include personal wireless service

facilities as defined in Article XXVI of this Zoning Ordinance. All such uses shall require site plan and architectural approval. All wiring (including transmission, distribution and service lines) for the supply of electric and communication services shall be placed underground unless such wiring:

- a. Carries more than 15,000 volts, or
 - b. Is for temporary service during periods of new construction, or
 - c. Is relocated at the request of the City of Wheaton, or
 - d. Is for minor repair of existing facilities, or
 - e. Is lead-in or service wiring from existing poles to single-family dwellings.
6. A single family dwelling and accessory detached garage, which were constructed prior to January 1, 1967, may be connected by means of an addition to the structures or enclosure of an existing breezeway, notwithstanding any non-conformity in the setback of the existing garage created by such connection. Any newly enclosed space added under this provision shall comply with all applicable bulk requirements. Such a connection is not permitted where the existing garage violates the setback which would otherwise violate the setback requirements applicable to attached garages shall be converted to living quarters.
7. A plat of consolidation meeting the requirements of Chapter 62 of the Wheaton City Code will be required for all applications involving more than one (1) parcel of property.

C. Screening of Building Utility and Service Installations

1. **Ground or Wall Mounted Installations.** Loading docks, refuse or recycling containers and handling systems, HVAC (heating, ventilation, and air conditioning) equipment and ductwork, communications equipment, private or public utility substations, transformers and generators, storage tanks, utility service entrances and meters of all buildings (except detached single-family dwellings) shall be screened from all public rights-of-way and from any adjacent residential district at grade level. Screening may be done in any manner which does not interfere with the safe and efficient operation of the equipment or cause equipment or devices to be inaccessible, and shall be the responsibility of the property owner.

2. **Rooftop Installations.** HVAC (heating, ventilation, and air conditioning) equipment and ductwork, solar panels, communications equipment, and any other mechanical equipment, devices, or ductwork installed upon or extending beyond or through a roof surface shall be screened equal in height to said equipment. Screening shall not interfere with the safe and efficient operation of the equipment or cause equipment or devices to be inaccessible, and shall be the responsibility of the property owner.

For all new buildings constructed after September 4, 2007, rooftop installations shall be screened with a parapet (an extension of the façade walls above the roof line), a roof structure, or another physical design element that is integral to the overall appearance of the building. Where the standard in the preceding sentence is not feasible for existing buildings constructed before September 4, 2007, a penthouse, partition screen, or other screening structure may be utilized, provided the structures are designed to:

- a. Minimize the conspicuity of the structure and be centered on the roof where possible.
- b. Complement the building in terms of form, scale, color, materials, and finish.
- c. Encompass groupings of equipment within a single enclosure where possible.

The use of wood fencing or any material comprised of slats is prohibited. No screening shall provide opacity of less than 80% when viewed from an angle at or below the screen.

D. Exterior Residential Lighting Fixtures

1. **Residential Exterior Lighting.** With the exception of decorative coach-style lights and low-voltage landscape lighting, exterior lighting fixtures shall be designed or shaded so as to avoid casting direct light or glare towards surrounding properties or streets and shall not exceed the existing foot-candle requirement included in the performance standards article of the Zoning Ordinance.

- E. Obsolete Special Use and Planned Unit Development Ordinance Requirements: Properties developed under zoning ordinances of general application that previously required special use approval, shall no longer be subject to the terms and conditions set forth in the specific special use ordinances approving those developments, where subsequent zoning amendments of general application have repealed the requirement of one or more condition(s) of a special use permit. Properties in conformance with specific special use requirements which are no longer applicable in the zoning district generally because the requirements

have been repealed or modified, shall only have to comply with the current zoning requirements of those districts irrespective of their specific special use ordinances unless, as determined by the Director of Planning, some specific condition of the original special use permit remains necessary in order to protect the public health, safety and welfare in areas of: traffic safety, utility provision and maintenance, or storm water protection. In the latter instance, the City Staff shall work with the owner on how to accommodate the public health, safety and welfare concerns. If agreement cannot be reached the property owner may submit an application for an amendment to the PUD or special use for the property in conformance with the procedures set forth in the Zoning Code.

- 3.5 Cannabis Business Enterprises Prohibited: That cannabis business enterprises as defined in the Cannabis Regulation and Tax Act (House Bill 1438)(hereinafter “Cannabis Act”), as of the date of the adoption of this Ordinance, which currently includes cultivation centers, craft growers, processing organizations, dispensing organizations, and transporting organizations, and any future amendments to the definition of cannabis business establishments under the Cannabis Act, are hereby prohibited uses in any and all zoning districts within the corporate boundaries of the City of Wheaton.