

ORDINANCE NO. F-0055

AN ORDINANCE AMENDING THE TEXT OF THE WHEATON ZONING ORDINANCE -
ARTICLES II AND III/PREVIOUSLY PLATTED SUBSTANDARD LOTS

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the City and its residents to consider certain amendments to the text of the City Zoning Ordinance; 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 Board of Zoning Appeals on July 23, 1996, to consider the text amendment; and the Wheaton Board of Zoning Appeals has recommended approval of the amendment.

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 Wheaton Zoning Ordinance text is amended by deleting the words "Lot" and "Lot of Record" as contained in Article II and adding and including the following in lieu thereof:

"Lot: A parcel of land which is either a "Lot of Record" or a "Zoning Lot".

Lot of Record: An area of land which is designated as a separate platted subdivision lot in a subdivision plat recorded in the office of the County Recorder of Deeds."

Section 2: The Wheaton Zoning Ordinance text is amended by adding the following definition to Article II.

"Lot, Zoning: A single tract of land in common ownership located within a single block, which is used or occupied for any principal use, whether permitted, special or nonconforming. A "Zoning Lot" need not coincide with a Lot of Record, and may consist of:

1. A single Lot of Record;
2. A portion of a Lot of Record;
3. A combination of complete Lots of Record; of complete Lots of Record and portions of Lots of Record; or of portions of Lots of Record; and/or
4. A piece of property described by metes and bounds."

Section 3: The Wheaton Zoning Ordinance text is amended by adding the following section to Article 3.4A:

"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 (date the ordinance is approved) shall be considered jointly thereafter as being a single parcel, lot or zoning lot for the purpose of this Zoning Ordinance."

Section 4: The Wheaton Zoning Ordinance text is amended by deleting Article 3.4B in its entirety and adding and including the following in lieu thereof:

- "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 (date the ordinance is approved), 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 (date the ordinance is approved). If the property was held in a trust or land trust on (date the ordinance is approved), 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. 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."

Section 5: In all other respect the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

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

Section 7: This ordinance shall become effective six months after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor



ATTEST:

Emily M. Cenkelman
City Clerk

Roll Call Vote

Ayes:

Councilman Mork
Councilwoman Culler
Councilwoman Davenport
Councilman Eckhoff
Mayor Carr
Councilman Gresk
Councilwoman Johnson

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: September 3, 1996
Published: September 4, 1996