

ORDINANCE NO. F-0119

**AN ORDINANCE AMENDING THE TEXT OF THE WHEATON ZONING ORDINANCE -
ARTICLE XXIV/HOME OCCUPATION REGULATIONS**

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 to consider the proposed amendment was conducted by the Wheaton Board of Zoning Appeals on January 14, 1997 and continued from time to time and concluded on March 11, 1997; 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 Article 24.8 through Article 24.11 and including the following:

"24.8 Home Occupations

It is the intent of this section to allow as home occupations only those uses that conform to the standards of this section. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence.

The standards for home occupations are intended to ensure compatibility with the permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation.

24.9 Standards for Home Occupations

In addition to all of the standards applicable to the district in which it is located, any home occupation shall comply with the following standards:

1. Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed or report to work on the premises.
2. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
3. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
4. No more than twenty-five percent (25%) of the gross floor area of the residential dwelling unit shall be devoted to any home occupation except the letting of rooms to roomers or boarders, or the operation of a day care home.

5. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling. A special use permit shall be required for any home occupation conducted in an accessory building.
6. No outdoor storage shall be permitted.
7. There shall be no noise, odor, dust, vibration, smoke, glare, television and radio interference, electrical interference, fire hazard or any other hazard emanating from the dwelling relating to the home occupation. No home occupation shall involve the use or production of toxic or harmful materials. The purpose of this standard is to ensure that the home occupation has no adverse environmental impact on adjoining properties.
8. The home occupation shall not involve the receipt or delivery of merchandise, goods, or equipment other than by U.S. Mail, United Parcel Service, Federal Express, or similar carriers that typically deliver packages to residences. No deliveries by semi-tractor/trailer trucks shall be permitted.
9. The home occupation shall not result in the simultaneous presence on the zoning lot and adjoining street of more than three motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
10. The distribution of articles, products, or equipment from the dwelling by commercial contractors to independent contractors or other employees shall be prohibited.
11. No visitors, clients, patrons, pupils, etc., of the home occupation, except those in conjunction with the letting of rooms to roomers or boarders, or day care homes, shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

24.10 Particular Home Occupations Permitted

Permitted home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 24.9 hereof, as well as to any limitations specifically imposed on such occupation by this Section 24.10.

1. Day Care Homes licensed by the State of Illinois.
2. Dressmakers, seamstresses, tailors.
3. Private tutoring, provided that the instruction shall be limited to one pupil at a time except for occasional groups.
4. Artists, sculptors, photographers, authors or composers.
5. Physicians, dentists, or other licensed medical practitioners.

6. Architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.
7. Ministers, rabbis, priests, or members of religious orders.
8. The letting for hire of rooms for rooming or boarding use for not more than four (4) persons unrelated to the owner of the property or lessor. Provided, however, that this provision shall not allow the occupancy of a dwelling unit by more than five (5) unrelated individuals. Prior to the letting for hire of rooms for rooming or boarding use, the operator of the home occupation shall obtain a letter approving the occupancy from the City Planner, pursuant to certifying that all codes and standards have been satisfied.
9. Offices of sales people, sales representatives, or manufacturers representatives; provided that no retail transactions shall be made on the premises except through telephone, e-mail, facsimile or mail, and that no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.

24.11 Particular Home Occupations Prohibited

Permitted home occupations shall not in any event be deemed to include:

1. Animal hospitals.
2. Clinics or hospitals.
3. Dancing schools, except as permitted above.
4. Mortuaries.
5. Nursery schools.
6. Private clubs.
7. Renting of trailers
8. Repair shops or service establishments, except the repair of computers, cameras, locks, clocks, or other similar small items.
9. Restaurants.
10. Stables or kennels.
11. Tourist homes.
12. Towing companies.
13. The sale of firearms and/or ammunition.

24.12 Nonconforming Uses

All home occupations which do not comply with the provisions of this Ordinance (Ordinance No. F-0119, adopted March 17, 1997) shall comply with all such provisions prior to (a date one year from the date of adoption)."

Section 2: In all other respect the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

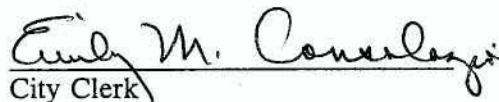
Section 3: All ordinances and parts of ordinances in conflict with these provisions are repealed.

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:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: March 17, 1997
Published: March 18, 1997