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**ORDINANCE NO. F-0475**

**AN ORDINANCE AMENDING THE TEXT OF THE  
WHEATON ZONING ORDINANCE  
ARTICLE XXIV - ACCESSORY USES AND HOME OCCUPATIONS**

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the City and its residents to consider a certain amendment 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 February 23, 2000, and the Wheaton Board of Zoning Appeals has unanimously 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 text of Article XXIV "Accessory Uses and Home Occupations" of the Wheaton Zoning Ordinance text is amended by deleting subsections 24.4 and 24.5.2 and 24.5.4 in their entirety and replacing it with the following:

"24.4 The following are permitted accessory uses when located in compliance with the bulk regulations of the district in which they are located:

1. A swimming pool house pursuant to the issuance of a special use permit provided that the swimming pool house is under the sole and exclusive control and responsibility of the property owner.
2. A building used primarily for religious worship may have accessory uses on the same lot other buildings or other uses owned or operated by the religious institutions, including rectories, parsonages, offices, convents, schools, lunch rooms, recreational facilities, gift and resale shops for periodic sales or used and/or handmade merchandise, providing all proceeds are to be utilized solely for the benefit of the religious institution.
3. Roofed-over or unroofed decks, patios, porches, roofed-over stairs, and unroofed stairs over four (4) feet above the average grade of the adjoining ground."

"24.5.2. Basketball apparatus, volleyball nets, swing sets, jungle gyms, playhouses, tennis courts, sport courts, tree houses and similar recreational equipment, except only basketball apparatus are permitted within front yards and side yards abutting streets. All such uses must maintain a side and rear yard of at least ten (10) feet. Swing sets, playhouses, and jungle gyms shall not exceed 15 feet in height. Tennis courts and sport courts shall not be illuminated.

Any tree house not in compliance with the foregoing requirements as of June 5, 2000, may remain in place, without further construction or enlargement, for a period of seven years from June 5, 2000.

Owners of such tree houses shall have 90 days from June 5, 2000 to register their tree house with the City Clerk. By registering their tree house, the owners, their heirs, successors or assigns will agree to either remove said tree house by June 5, 2007, or make it comply with the foregoing regulations. Any such tree house which does not comply with the foregoing regulations and is not registered within the allotted time period shall be considered a non-conforming structure and shall be immediately removed."

"24.5.4. Permanent barbecue equipment, screen houses, gazebos, and non-mechanical laundry drying equipment shall not be permitted in any required front or side yard abutting a street. All such uses must maintain a side and rear yard of at least ten (10) feet."

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.

ATTEST:

Emily M. Connelley  
City Clerk

Mayor Carr  
Mayor

Roll Call Vote:

Ayes:

Councilman Gresk  
Mayor Carr  
Councilman Johnson  
Councilman Mork  
Councilman Eckhoff

Nays:

None

Absent:

Councilwoman Davenport  
Councilwoman Johnson

Motion Carried Unanimously

Passed: June 5, 2000  
Published: June 6, 2000