

**ORDINANCE NO. F-0492**

**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 subsection 24.5.2 in its entirety and replacing it with the following:

"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. If the lot coverage of a tennis court or a sport court exceeds 25% of the rear yard area, its side and rear yard setback shall be landscaped in accordance with the requirements set forth in Article 6.8.4.2 of the City of Wheaton Zoning Ordinance. In no case shall the lot coverage of a tennis court or sport court exceed 30% of the rear yard area.

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."

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:

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

Nays:

None

Absent:

Councilwoman Johnson

Motion Carried Unanimously

Passed: July 17, 2000  
Published: July 18, 2000