

ORDINANCE NO. F-0996**AN ORDINANCE AMENDING SECTION 5.7 B (3) OF THE WHEATON ZONING ORDINANCE AND CREATING A NEW ARTICLE XXVIII REGARDING THE NORTHSIDE RESIDENTIAL OVERLAY DISTRICT**

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home-rule municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City recognizes that a portion of the City's northside residential neighborhood has a unique history and character; and

WHEREAS, the City directed a detailed review and analysis by an outside planning consulting firm having expertise in historic preservation, and the City found that the area bounded by Prairie Avenue in the north, Wesley Street on the south, Irving Avenue on the east, and Ellis Avenue on the west, hereinafter defined as the Northside Residential District, contains certain defining characteristics which differentiate it from other parts of the community; and

WHEREAS, the City desires to help preserve and enhance the unique historic character of the City's Northside Residential District by encouraging new construction, and additions to existing buildings that reflect the distinct physical characteristics of the area by the adoption of a zoning overlay district; and

WHEREAS, the proposed zoning overlay district would create several incentives as a means to encourage high quality design that reflects the distinct physical characteristics of the area.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, that the Wheaton Zoning Ordinance is hereby amended as follows:

SECTION 1: That a new Article 28 entitled "Northside Residential Overlay District" is hereby added to the Wheaton Zoning Ordinance which shall read as follows:

"Article 28 Northside Residential Overlay District

28.1 Purpose and Applicability. The Northside Residential Overlay District is intended to help preserve and enhance the unique historic character of the City's northside residential neighborhood and to enhance property values within this district. This district contains a rich mix of architectural styles with certain defining elements. The defining elements of this district include 1) architectural elements such as raised basements, front porches,

prominent front entrances, detached garages placed at the rear of lots, wide roof eaves and an abundance of other decorative details and 2) siting characteristics such as dwellings oriented center-front on lots, deep front yard setbacks and wide side yard setbacks.

It is also intended to encourage new construction and, additions or other alterations to existing single family dwellings that reflect these distinct physical characteristics and are compatible with the bulk, scale, and siting of existing development within the district. As such, several incentives are offered as a means of encouraging high quality design that is consistent with the district's historic character.

The Northside Residential Overlay District requirements and/or bonus provisions apply in addition to the underlying zoning district regulations. Where these requirements conflict with the underlying district regulations or other provisions of this ordinance, the requirements of Article XXVIII shall be controlling.

28.2 Bulk Regulations and Related Incentive Provisions.

A. Detached garages

1. Floor area ratio incentive provision. Because it is a defining element of the Northside Residential Overlay District, it is the City's intent to encourage single family dwellings designed with traditional detached garages located to the rear of the principal building. Therefore, within the Northside Residential Overlay District, only detached garages that are located entirely beyond the principal building in the rear yard shall be excluded from the gross floor area calculation for the purposes of calculating floor area ratio. The total floor area of the detached garage shall be excluded, up to 500 square feet. The floor area of detached garages that are not located beyond the principal building in the rear yard shall be counted in the gross floor area calculation for the purposes of calculating floor area ratio. Detached garages shall meet all other setback, height, and bulk regulations of the underlying zoning district.

B. Attached garages

1. Side or rear loaded incentive provision. In an effort to minimize the appearance of attached garages, a portion of the floor area of attached garages that are side or rear loaded shall be excluded from the gross floor area for the purposes of calculating floor area ratio. The total floor area of the side or rear loaded garage that may be excluded from the gross floor area calculation for the purpose of calculating floor area ratio is 250 square feet. All attached side or rear loaded garages must be located at, or behind the front face of the principal building.
2. Front loading garages. In an effort to minimize the appearance of attached front loaded garages, the total floor area of attached front loaded garages shall be counted towards the gross floor area for the purposes of calculating floor area ratio. All attached front loaded garages must be located at least 5 feet behind the front face of the principal building. On corner lots, an

attached front-loaded garage is any garage which faces the same street as the front door of the house.

A front loaded attached garage shall not occupy more than one-third of the front façade of any single family dwelling. This limitation shall not, however, prevent the construction of a front loaded attached garage less than 22 feet in width.

- C. Unenclosed front porch incentive provision. In an effort to encourage the construction of front and wrap-around porches in the Northside Residential Overlay District, unenclosed, roofed front porches shall be permitted to encroach up to eight (8) feet into the required front yard. The floor area of the roofed front porch, up to 250 square feet, shall be excluded from the gross floor area calculation for the purpose of calculating Floor Area Ratio.
- D. Raised basement incentive provision. In an effort to encourage the construction of single family dwellings and additions to existing single family dwellings with raised basements in the Northside Residential Overlay District, the height of raised basements less than 3½ feet above existing grade shall not be counted towards the calculation of a building's height.
- E. Permitted extension of nonconforming side or rear walls. To better allow for additions to existing single family dwellings in the Northside Residential Overlay District, nonconforming side or rear walls that do not meet required side or rear yard setback requirements may be extended without a variation, provided that 1) the encroachment does not extend beyond the existing building line into the respective yard (i.e. the degree of nonconformity is not increased) and 2) no other new nonconformities are created or increased.
- F. Volume spaces. In order to encourage the construction of new single family dwellings and additions to existing single family dwellings that better match the size and character of single family dwellings within the Northside Residential Overlay District, when any space has a floor to ceiling height of between 12 and 24 feet, such space shall be counted as two floors for the purposes of calculating the floor area ratio. A space with a floor to ceiling height of more than 24 feet shall be counted as three floors."

SECTION 2: The Boundaries of the Northside Residential Overlay District shall be as follows:

THAT PART OF SECTIONS 8, 9, 16 & 17 TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF PRAIRIE AVENUE WITH THE CENTER LINE OF WEST STREET, IN THE SOUTHEAST QUARTER OF SECTION 8; THENCE WEST ON THE CENTER LINE OF PRAIRIE AVENUE TO THE EAST LINE OF LOT 12 EXTENDED, IN WEBER'S SECOND ADDITION; THENCE SOUTH ALONG SAID EXTENSION AND EAST LINE OF LOT 12 AND EAST LINE OF LOT 6, IN WEBER'S ADDITION, TO THE CENTER LINE OF OAK AVENUE; THENCE WEST ON THE CENTER LINE OF OAK AVENUE, TO THE CENTER LINE OF GARY

COURT; THENCE NORTH ON THE CENTER LINE OF GARY COURT TO THE SOUTH LINE OF WEBER'S SECOND ADDITION; THENCE WEST ALONG SAID SOUTH LINE, TO THE WEST LINE OF WEBER'S SECOND ADDITION AND EAST LINE OF LOT 1 IN SCHMIDT'S ASSESSMENT PLAT; THENCE SOUTH ALONG SAID LINE TO THE NORTHWEST CORNER OF LOT 1 IN ARTHUR T. MCINTOSH & COMPANY'S GARY COURT ADDITION; THENCE EAST ALONG THE NORTH LINE OF LOTS 1 AND 2 IN SAID SUBDIVISION TO THE NORTHEAST CORNER OF LOT 2; THENCE SOUTH ALONG THE EAST LINE OF LOT 2 AND THE EXTENSION THEREOF TO THE CENTER LINE OF HARRISON AVENUE; THENCE EAST ALONG THE CENTER LINE OF HARRISON AVENUE, TO THE CENTER LINE OF GARY COURT; THENCE SOUTH ALONG THE CENTER LINE OF GARY COURT TO THE NORTH LINE OF LOT 3 AND THE EXTENSION THEREOF, IN BLOCK 7 OF NOAH E. GARY'S FIRST ADDITION TO WHEATON; THENCE WEST ALONG SAID LINE TO THE CENTER LINE OF THE ALLEY IN SAID BLOCK 7; THENCE SOUTH ALONG THE CENTER LINE OF SAID ALLEY TO A POINT 128.4 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 10 IN BLOCK 8 IN NOAH E. GARY'S FIRST ADDITION TO WHEATON; THENCE WEST 70 FEET; THENCE SOUTH 32.8 FEET TO A POINT ON THE NORTH LINE OF LOT 9 IN SAID BLOCK 8; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 9 IN BLOCK 8 AND THE EXTENSION THEREOF TO THE CENTER LINE OF ELLIS AVENUE; THENCE SOUTH ALONG THE CENTER LINE OF ELLIS AVENUE TO THE CENTER LINE OF UNION CIRCLE EXTENDED; THENCE WEST ALONG THE CENTER LINE OF SAID UNION CIRCLE TO THE WEST LINE AND THE EXTENSION THEREOF OF LOT 1 IN RUSSELL'S ELLIS MANOR SUBDIVISION; THENCE SOUTH ALONG SAID LINE TO THE SOUTH LINE OF SAID RUSSELL'S ELLIS MANOR SUBDIVISION TO THE NORTH LINE OF LOT 2 IN THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST AND THE SOUTHEAST QUARTER OF SECTION 17; THENCE EAST 50 FEET ALONG SAID NORTH LINE OF LOT 2 TO A POINT 148 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF ELLIS AVENUE; THENCE SOUTH PARALLEL WITH ELLIS AVENUE TO THE CENTER LINE OF WESLEY STREET; THENCE EAST ALONG THE CENTER LINE OF WESLEY STREET, TO THE CENTER LINE OF WEST STREET; THENCE NORTH ALONG THE CENTER LINE OF WEST STREET TO THE CENTER LINE OF UNION AVENUE; THENCE EAST ALONG THE CENTER LINE OF UNION AVENUE TO THE CENTER LINE OF MAIN STREET; THENCE NORTH ALONG THE CENTER LINE OF MAIN STREET TO THE CENTER LINE OF LINCOLN AVENUE; THENCE EAST ALONG THE CENTER LINE OF LINCOLN AVENUE TO THE CENTER LINE OF SCOTT STREET; THENCE SOUTH ALONG THE CENTER LINE OF SCOTT STREET TO THE CENTER LINE OF FRANKLIN STREET; THENCE WEST ALONG THE CENTER LINE OF FRANKLIN STREET, TO THE CENTER LINE OF CROSS STREET; THENCE SOUTH ALONG THE CENTER LINE OF CROSS STREET TO THE CENTER LINE OF UNION AVENUE; THENCE EAST ALONG THE CENTER LINE OF UNION AVENUE TO THE EAST LINE OF LOT 5 IN BLOCK 18 OF LYMAN E. DEWOLF AND GUY TRACY'S ADDITION AND THE EXTENSION THEREOF; THENCE SOUTH ALONG SAID EAST LINE OF LOT 5, TO A POINT 136 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF UNION AVENUE; THENCE EAST 66 FEET TO A POINT IN THE EAST LINE OF LOT 4 IN SAID BLOCK 18; THENCE SOUTH ALONG THE EAST LINE OF LOT 4 AND LOT 9 IN SAID BLOCK 18, TO THE CENTER LINE OF SEMINARY AVENUE; THENCE EAST ALONG THE CENTER LINE OF SEMINARY AVENUE TO THE EAST

LINE OF LOT 9 IN BLOCK 19 EXTENDED IN SAID LYMAN E. DEWOLF AND GUY TRACY'S ADDITION; THENCE NORTH ALONG SAID EAST LINE OF LOT 9 TO THE NORTHEAST CORNER THEREOF; THENCE WEST 60.62 FEET ALONG THE NORTH LINE OF SAID LOT 9; THENCE NORTH 82.75 FEET ALONG THE EAST LINE OF LOT 2 IN SAID LYMAN E. DEWOLF & GUY TRACY'S ADDITION; THENCE EAST TO THE CENTER LINE OF WASHINGTON STREET; THENCE NORTH ALONG THE CENTER LINE OF WASHINGTON STREET TO THE SOUTH LINE OF LOT 63 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 63 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 63 TO THE CENTER LINE OF LINCOLN AVENUE; THENCE EAST ALONG THE CENTER LINE OF LINCOLN AVENUE TO THE WEST LINE OF WADE'S CENTER CONSOLIDATION EXTENDED; THENCE NORTH ALONG THE WEST LINE OF SAID WADE'S CONSOLIDATION AND THE EXTENSION THEREOF TO THE NORTH LINE OF SAID WADE'S CONSOLIDATION; THENCE EAST ALONG THE NORTH LINE OF SAID WADE'S CONSOLIDATION TO THE CENTER LINE OF WASHINGTON STREET; THENCE NORTH ALONG THE CENTER LINE OF WASHINGTON STREET TO THE CENTER LINE OF JEFFERSON AVENUE; THENCE EAST ALONG THE CENTER LINE OF JEFFERSON AVENUE TO THE CENTER LINE OF IRVING AVENUE; THENCE NORTH ALONG THE CENTER LINE OF IRVING AVENUE TO THE EXTENSION OF THE SOUTH LINE OF LOT 4 IN SAWYER'S DIVISION; THENCE EAST ALONG THE EXTENSION OF THE SOUTH LINE OF SAID LOT 4, TO THE SOUTHEAST CORNER THEREOF, BEING A POINT 157 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF IRVING AVENUE; THENCE NORTH ALONG SAID LINE TO THE SOUTH LINE OF SEARS LANE; THENCE EAST ALONG THE SOUTH LINE OF SEARS LANE TO ITS END POINT; THENCE NORTH ON A LINE THAT IS 197 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF IRVING AVENUE, TO A POINT THAT IS 128.5 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF HARRISON AVENUE; THENCE WEST 65 FEET TO A POINT THAT IS 132 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF IRVING AVENUE AND 128.5 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF HARRISON AVENUE; THENCE NORTH TO THE CENTER LINE OF HARRISON AVENUE; THENCE WEST ALONG THE CENTER LINE OF HARRISON AVENUE TO THE CENTER LINE OF LEXINGTON STREET; THENCE NORTH ALONG THE CENTER LINE OF LEXINGTON STREET TO THE CENTER LINE OF FOREST AVENUE; THENCE WEST ALONG THE CENTER LINE OF FOREST AVENUE TO THE CENTER LINE OF CROSS STREET; THENCE NORTH ALONG THE CENTER LINE OF CROSS STREET TO THE NORTH LINE OF LOT 6 IN BLOCK 7 OF ARTHUR T. MCINTOSH & COMPANY'S RESUBDIVISION OF BLOCKS 1 THRU 11 AND BLOCKS 13 THRU 15 OF NOAH E. GARY'S SECOND ADDITION; THENCE WEST ALONG THE EXTENSION OF SAID NORTH LINE OF LOT 6 IN BLOCK 7, TO THE WEST LINE THEREOF; THENCE NORTH ALONG THE WEST LINE OF LOTS 5 THRU 1 IN SAID BLOCK 7 TO THE CENTER LINE OF OAK AVENUE; THENCE WEST ALONG THE CENTER LINE OF OAK AVENUE TO THE CENTER LINE OF MAIN STREET; THENCE NORTH ALONG THE CENTER LINE OF MAIN STREET TO THE NORTH LINE OF TRACT 1 AND ITS EXTENSION IN FRANK NORTHRUP'S PLAT OF SURVEY OF HATCHER'S ADDITION OF BLOCK 7; THENCE WEST ALONG SAID NORTH LINE OF HATCHER'S ADDITION AND KOMPSTON'S SUBDIVISION TO THE

CENTER LINE OF WEST STREET; THENCE SOUTH ALONG THE CENTER LINE OF WEST STREET TO THE CENTER LINE OF PRAIRIE AVENUE AND POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

SECTION 3: Article 5.7 B (3) of the Zoning Ordinance is to be deleted in its entirety and replaced with the following:

“B (3) Variation Limitations. A non-administrative variation from the regulations of this chapter shall be granted by the City Council only in accordance with the standards set out in Section 5.7B and may be granted only in the following instances, and in no others:

1. To permit a decrease of greater than twenty-five percent (25%) or five feet in any setback or any minimum yard dimension or to permit an increase in the maximum height required by the applicable provisions.
2. To permit the use of a lot or lots for use otherwise prohibited solely because of the insufficient area or width of the lot or lots but in no event shall the respective area and width of the lots be less than seventy-five percent (75%) of the required area and width.
3. In the C-4 Zoning District, to permit more than $\frac{1}{3}$ of the required parking to be fulfilled by the utilization of available municipal parking (either on-street or off-street).
4. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space or twenty percent (20%) of the applicable provisions, whichever number is greater.
5. To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
6. To permit overhead wiring for public utility purposes not otherwise permitted under the regulations of this chapter.
7. To increase the Floor Area Ratio to a maximum of forty-five percent (45%) for additions to single-family dwellings constructed prior to October 17, 1989, and for additions to single-family dwellings constructed in the Northside Residential Overlay District prior to (adoption date).
8. For a seasonal parking lot, to permit a reduction in the amount of required landscaping and/or the elimination of any required lighting.
9. To allow an attached front, side or rear loading garage on a single family dwelling in the Northside Residential Overlay District where construction of a detached garage

is not physically possible. In such cases, the total area of the attached garage, up to 500 square feet, shall not be counted in the gross floor area calculation for the purpose of calculating the floor area ratio."

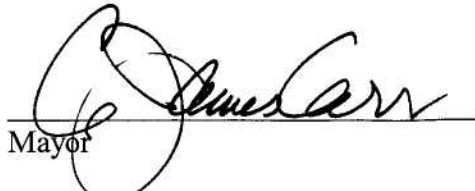
SECTION 4: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 5: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

SECTION 6: This ordinance shall become effective after its passage, approval and publication in pamphlet form in the manner described by law.

ATTEST:


City Clerk


Mayor

Ayes:

Roll Call Vote:

Councilman Mork
Councilman Bolds
Councilwoman Corry
Mayor Carr
Councilwoman Johnson

Nays:

None

Absent:

Councilman Johnson
Councilman Mouhelis

Motion Carried Unanimously

Passed: February 7, 2005

Published: February 8, 2005

