

ORDINANCE NO. F-1433

AN ORDINANCE REQUIRING THE USE OF MASONRY MATERIALS FOR THE CONSTRUCTION OF EXTERIOR WALLS OF NON-RESIDENTIAL BUILDINGS WITHIN THE CITY OF WHEATON

**WHEREAS**, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the public health, fire safety, durability, morals and general welfare of the citizens of the City to amend the City Zoning Ordinance to require a certain standard of construction for non-residential buildings as provided herein; 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 City Council, acting as a hearing body on March 24, 2009, April 14, 2009 and April 28, 2009 to consider said amendments pertaining to the creation of regulations to require the use of masonry materials for the construction of exterior walls of non-residential buildings.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** Article II of the Wheaton Zoning Ordinance text is amended by adding the following definition for Masonry Materials:

Masonry Materials shall mean and include brick, pre-cast concrete, textured concrete block, stone, or other masonry material of equal characteristics. The term Masonry Materials does include brick and stone veneer. The term Masonry Materials does not include stucco, whether cementitious or synthetic or cementitious siding or panels.

**Section 2:** The Wheaton Zoning Ordinance text is amended by adding new Sub-Sections: 16.5F, 17.5H, 18.4D, and 20.4B which shall read:

Exterior masonry construction requirement: All exterior walls of non-residential buildings constructed in this zoning district shall be constructed of one hundred percent (100%) masonry materials, exclusive of windows, doors, roofs, cornices, or awnings. Where a lawful building exists at the effective date of adoption of this requirement June 15, 2009, and said building was not built under the terms of this requirement, it may continue so long as it remains lawful, subject to the following provision:

- a. If any building is destroyed or damaged by any means to the extent that the cost of restoration will exceed 50% of the cost of replacement of the entire building or structure, said building shall be restored only in conformance with the regulations of this ordinance. The extent of damage and the cost of restoration as a percentage of replacement value shall be determined by a panel consisting of a representative of the municipality, a representative of the owner and a third person acceptable to both.
- b. If any building is remodeled or improved to an extent that the cost of said remodeling or improvement will exceed 50% of the cost of replacement of the entire building or structure, said building be remodeled or improved only in conformance with the regulations of this ordinance. The cost of the remodeling or improvement as a percentage of replacement value

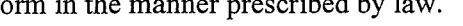
shall be determined by a panel consisting of a representative of the municipality, a representative of the owner and a third person acceptable to both.

**Section 3:** This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 4:** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 5:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

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ATTEST:    
Emily M. Consalvo  
Michael J. Gould  
Mayor

### Roll Call Vote:

Ayes: Councilman Prendiville  
Councilman Scalzo  
Councilman Suess  
Councilwoman Corry  
Councilman Mouhelis  
Mayor Gresk

Nays: None

Absent: Councilman Levine

### Motion Carried Unanimously

Passed: June 15, 2009  
Published: June 16, 2009