

## ORDINANCE NO. F-1450

### AN ORDINANCE ALLOWING NURSERY SCHOOLS BY SPECIAL USE PERMIT IN THE R-3, R-4 AND R-5 RESIDENTIAL DISTRICTS

**WHEREAS**, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the public health, safety, durability, morals and general welfare of the citizens of the City to amend the City Zoning Ordinance to allow Nursery Schools by Special Use Permit in the R-3, R-4 and R-5 Residential Districts; 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 Planning and Zoning Board, acting as a hearing body on August 25, 2009 and May 9, 2009 to consider said amendments to allow Nursery Schools by Special Use Permit in the R-3, R-4 and R-5 Residential Districts.

**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:

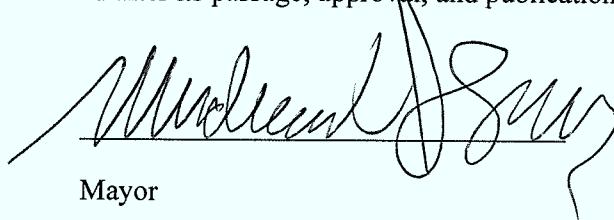
**Section 1:** The Wheaton Zoning Ordinance text is amended by adding Nursery Schools by Special Use Permit under Articles 9.1 (R-3 Residential District), 10.1 (R-4 Residential District) and 11.1 (R-5 Residential District).

**Section 2:** The Wheaton Zoning Ordinance text is further amended by adding a minimum lot size requirement of 1.0 acre for Nursery Schools and requiring that the parcels are located adjacent to an arterial street under Articles 9.2.2 (R-3 Residential District), 10.2.2 (R-4 Residential District) and 11.2.2 (R-5 Residential District).

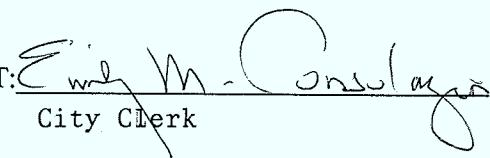
**Section 3:** This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**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.



Mayor

ATTEST:   
City Clerk

Roll Call Vote:

Ayes: Councilman Suess  
Councilwoman Corry  
Councilman Levine  
Mayor Gesk Pro Tem Mouhelis  
Councilman Prendiville  
Councilman Scalzo

Nays: None

Absent: Mayor Gesk

Motion Carried Unanimously

Passed: October 19, 2009  
Published: October 20, 2009