

## ORDINANCE NO. F-1474

### AN ORDINANCE ESTABLISHING REGULATIONS FOR SENIOR HOUSING DEVELOPMENTS IN THE R-5 RESIDENTIAL, R-6 RESIDENTIAL, R-7 RESIDENTIAL, O-R OFFICE AND RESEARCH AND OFF-STREET PARKING AND LOADING 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 establish regulations for senior housing developments in the R-5 Residential, R-6 Residential, R-7 Residential, O-R Office and Research and Off-Street Parking and Loading Districts.

**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 October 13, 2009, November 10, 2009, December 8, 2009, January 12, 2010 and January 26, 2010 to consider said amendments.

**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 deleting Article 11, 12, 13, 15 and 22.5 in their entirety and replacing them with the following:

#### Article XI

##### R-5 Residential District

###### 11.1 Permitted Uses

1. Single-family dwellings.
2. Elementary and high schools with or without dormitory accommodations.
3. Parks and forest preserves.
4. Multiple-family dwellings.
5. Group Care Homes, with no more than five (5) occupants, including staff persons, and not located within 300 feet of another Group Care Home. For multiple family buildings, the 300 foot distance requirement shall not apply to the units within a single multiple family building, but to the building itself and other group care homes.

###### Special Use Permit Required

1. Golf courses.
2. Private clubs.
3. Senior Housing Developments.

4. Historical and architectural education center.
5. Senior citizen home sharing facility.
6. Group Care Homes with six (6) to fifteen (15) occupants, including staff persons, and not located within 300 feet of another Group Care Home. For multiple family buildings, the 300 foot distance requirement shall not apply to the units within a single multiple family building, but to the building itself and other group care homes.
7. Not-for-profit, governmental and specialty school uses in elementary, middle, and high school buildings no longer used for teaching purposes.
8. Buildings primarily devoted to Religious Worship.
9. Private or public utility substations with a capacity not greater than 34 kilovolts.

#### 11.2 Bulk Regulations

1. A maximum height of forty (40) feet (12.19 m.) or three and one-half (3½) stories, whichever is less.
2. A minimum lot size.
  - a. For single-family dwellings: 6,500 sq. ft. (603.87 sq. m.).
  - b. For a historical and architectural education center: One-third (1/3) acre (14,520 sq. ft.) (1,349.44 sq. m.).
  - c. For multiple-family dwellings: 3,000 sq. ft. (278.71 sq. m.) per dwelling unit, plus an additional 1,000 sq. ft. (92.9 sq. m.) for each dwelling unit which contains more than two bedrooms, minus 1,000 sq. ft. (92.2 sq. m.) for each efficiency unit, with a minimum lot size of 8,000 sq. ft. (743 sq. m.).
  - d. For Senior Housing Developments: Independent and Assisted Living Units, (assuming no more than two bedrooms per dwelling unit) 2,040 sq. ft. (189.52 sq. m.) per dwelling unit, minus 674 sq. ft. for each efficiency unit (the number of efficiency units shall be limited to no more than 50 percent of the total number of dwelling units) ; plus Skilled Care Units, 1,320 sq. ft. (122.63 sq. m.) per bed, all with a minimum of two (2) acres (87,120 sq. ft.) (8,094 sq. m.) per lot.
  - e. For buildings primarily devoted to religious worship: 0.75 acres (32,670 sq. ft.) (3,037 sq. m.).
  - f. For all other uses: One and one half (1½ acres) (65,340 sq. ft.) (6,070 sq. m.).
3. A maximum lot coverage of forty percent (40%).

4. A minimum lot width of fifty (50) feet (15.24 m.).
5. A minimum front yard depth of twenty-five (25) feet (7.62 m.).<sup>1</sup>

<sup>1</sup> Front and Side Yard Abutting a Street Adjustment Next to Existing Structures: When a lot abuts, on both sides, lots that have already been developed, the front yard applicable to such lot shall be determined by taking the average of the setbacks of the buildings on the two abutting lots. When a lot abuts a lot that has already been developed on one side and a street on the other side, the front or side yard abutting a street applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the required front or side yard abutting a street, but in no case shall the front yard be less than the setback of the building on the abutting developed lot. If a lot abuts a developed lot on one side and a vacant lot on the other side, the front yard applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the setback of the building on the lot immediately adjacent to the vacant lot.

6. For side and rear yards see Section 3.4A (5) and (6).
7. A minimum usable open space.
  - a. For single-family dwellings: Five hundred (500) square feet (46.5 sq. m.).
  - b. For multiple-family dwellings: Two hundred seventy-five (275) sq. ft. (125.5 sq. m.) per dwelling unit.
  - c. For Senior Housing Developments: Independent and Assisted Living Units, Two hundred seventy-five (275) sq. ft. (25.5 sq. m.) per dwelling unit; Skilled Care Units, Seventy-five (75) sq. ft. (6.9 sq. m.) per bed.
  - d. For all other uses: Five hundred (500) sq. ft. (46.5 sq. m.).
8. Floor Area Ratio for single-family dwellings: 40 percent (40%); provided, however, this floor area ratio requirement is applicable only to the construction of residences or additions thereto for which building permits have issued on and after October 17, 1989.
9. A minimum lot depth of 132 feet.

### 11.3 Standards

All of the property located in this district is subject to the general standards and regulations in this ordinance. To conserve space these standards and regulations have not been reprinted in the regulations for each district. Site plan and architectural approval (5.5) shall be required for all permitted uses listed in Section 11.1 except 1, 3, 4, and 5. Downtown design review in accordance with Section 5.12 shall be required for all uses except single-family dwellings located within the Downtown Design Review Overlay District.

## Article XII

### R-6 Residential District

#### 12.1 Permitted Uses

1. Single-family dwellings.
2. Elementary and high schools and colleges with or without dormitory accommodations.
3. Parks and forest preserves.
4. Multiple-family dwellings.
5. Group Care Homes, with no more than five (5) occupants, including staff persons, and not located within 300 feet of another Group Care Home. For multiple family buildings, the 300 foot distance requirement shall not apply to the units within a single multiple family building, but to the building itself and other group care homes.

#### Special Use Permit Required

1. Golf courses.
2. Private clubs.
3. Senior Housing Developments.
4. Nursery schools.
5. Adult day care facilities.
6. Business and professional offices.
7. Governmental office buildings.
8. Research laboratories.
9. Senior citizen home sharing facility.
10. Group Care Homes with six (6) to fifteen (15) occupants, including staff persons, and not located within 300 feet of another Group Care Home. For multiple family buildings, the 300 foot distance requirement shall not apply to the units within a single multiple family building, but to the building itself and other group care homes.
11. Historical and architectural education center.
12. Not-for-profit, governmental and specialty school uses in elementary, middle and high school buildings no longer used for teaching purposes.
13. Buildings primarily devoted to Religious Worship.

14. Private or public utility substations with a capacity not greater than 34 kilovolts.

## 12.2 Bulk Regulations

1. A maximum height of fifty-five feet or four (4) stories, whichever is less.
2. A minimum lot size.
  - a. For dwelling units: 2,500 sq. ft. (232.2 sq. m.) per dwelling unit, plus an additional 1,000 sq. ft. (92.9sq. m.) for each dwelling unit which contains more than two (2) bedrooms, minus 500 sq. ft. (46.5 sq. m.) for each efficiency unit, with a minimum of 6,500 sq. ft. (603.87 sq. m.) per lot.
  - b. For Senior Housing Developments: Independent and Assisted Living Units, (assuming no more than two bedrooms per dwelling unit) 1,700 sq. ft. (157.93 sq. m.) per dwelling unit, minus 340 sq. ft. for each efficiency unit (the number of efficiency units shall be limited to no more than 50 percent of the total number of dwelling units); plus Skilled Care Units, 1,089 sq. ft. (101.17 sq. m.) per bed, all with a minimum of one and one-half (1½) acres (65,340 sq. ft.) (6,070 sq. m.) per lot.
  - c. For nursery schools: One-half acre (21,780 sq. ft.) (2,023.5 sq. m.).
  - d. For a historical and architectural education center: One-third (1/3) acre (14,520 sq. ft.) (1,349.44 sq. m.).
  - e. For all other uses: One acre (43,560 sq. ft.) (4,047 sq. m.).
  - f. For business and professional offices: 9,000 sq. ft.
3. A maximum lot coverage of fifty percent (50%).
4. A minimum lot width of fifty (50) feet (15.25 m.).
5. A minimum front yard depth of twenty (20) feet (6.1 m).<sup>1</sup>

<sup>1</sup> Front and Side Yard Abutting a Street Adjustment Next to Existing Structures: When a lot abuts, on both sides, lots that have already been developed, the front yard applicable to such lot shall be determined by taking the average of the setbacks of the buildings on the two abutting lots. When a lot abuts a lot that has already been developed on one side and a street on the other side, the front or side yard abutting a street applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the required front or side yard abutting a street, but in no case shall the front yard be less than the setback of the building on the abutting developed lot. If a lot abuts a developed lot on one side and a vacant lot on the other side, the front yard applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the setback of the building on the lot immediately adjacent to the vacant lot.

6. For side and rear yards see Section 3.4A (5) and (6).
7. A minimum usable open space.

- a. For multiple-family dwellings: Two hundred seventy-five (275) sq. ft. (25.5 sq. m.) per dwelling unit.
- b. For Senior Housing Developments: Independent and Assisted Living Units, Two hundred seventy-five (275) sq. ft. (25.5 sq. m.) per dwelling unit; Skilled Care Units, Seventy-five (75) sq. ft. (6.9 sq. m.) per bed.
- c. For all other uses: Five hundred (500) sq. ft. (46.5 sq. m.).

8. A minimum lot depth of 132 feet.

### 12.3 Standards.

All of the property located in this district is subject to the general standards and regulations of this ordinance. To conserve space these standards and regulations have not been reprinted in the regulations for each district. Property located in this district is also subject to the following additional standards:

1. All operations, activities other than recreational and educational, and storage shall be conducted wholly inside a building or buildings, except that storage may be maintained outside a building in side yards or rear yards if no part of the storage is less than fifteen (15) feet (4.57 m.) from any lot line of the lot on which the use is located and if such storage area is separated from other property (except property located in Commercial or Industrial District) and public streets by screening.
2. No retail or services shall be permitted, except as incidental or accessory to a permitted use.
3. Dispensing of gasoline from underground storage tanks on premises shall be limited to the requirements of vehicles necessary to the conduct of a permitted use.
4. Service and maintenance of vehicles shall be permitted only to the extent necessary for the conduct of a permitted use.
5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting of excessive glare upon adjacent property.
6. All premises shall be furnished with all-weather hard-surface walks and, except for parking areas, the grounds shall be landscaped.
7. If the lot contains a use other than a residential building and adjoins a lot containing a residential building, screening shall be provided at the lot line sufficient to protect on a year-round basis the privacy of the adjoining residential uses.
8. Site plan and architectural approval (5.5) shall be required for all permitted uses listed in Section 12.1 except 1, 3, 4, and 5.
9. Downtown design review in accordance with Section 5.12 shall be required for all uses except single-family dwellings located within the Downtown Design Review Overlay District.

## Article XIII

### R-7 Residential District

#### 13.1 Permitted Uses

1. Multiple-family dwellings.
2. Elementary or high schools.
3. Parks and forest preserves.
4. Group Care Homes, with no more than five (5) occupants, including staff persons, and not located within 300 feet of another Group Care Home. For multiple family buildings, the 300 foot distance requirement shall not apply to the units within a single multiple family building, but to the building itself and other group care homes.

#### Special Use Permit Required

1. Golf courses.
2. Motels.
3. Private clubs.
4. Senior Housing Developments.
5. Adult day care facilities.
6. Nursery schools.
7. Business and professional offices and uses.
8. Governmental office buildings.
9. Research laboratories.
10. Financial institutions.
11. Mortuaries.
12. Senior citizen home sharing facility.
13. Group Care Homes with six (6) to fifteen (15) occupants, including staff persons, and not located within 300 feet of another Group Care Home. For multiple family buildings, the 300 foot distance requirement shall not apply to the units within a single multiple family building, but to the building itself and other group care homes.
14. Historical and architectural education center.

15. Not-for-profit, governmental and specialty school uses in elementary, middle, and high school buildings no longer used for teaching purposes.
16. Barber shops.
17. Beauty shops
18. Buildings primarily devoted to Religious Worship.
19. Private or public utility substations with a capacity not greater than 34 kilovolts.

### 13.2 Bulk Regulations

1. A maximum height of seventy feet or five (5) stories, whichever is less.
2. A minimum lot size.
  - a. For dwelling units: 2,000 sq. ft. (185.81 sq. m.) per dwelling unit, plus an additional 1,000 sq. ft. (92.9 sq. m.) for each dwelling unit which contains more than two (2) bedrooms, with a minimum of 6,500 sq. ft. (603.87 sq. m.) per lot.
  - b. For Senior Housing Developments: Independent and Assisted Living Units (assuming no more than two bedrooms per dwelling unit), 1,360 sq. ft. (126.35 sq. m.) per dwelling unit; plus Skilled Care Units, 880 sq. ft. (81.75 sq. m.) per bed, all with a minimum of one (1) acre (43,560 sq. ft.) (4,047 sq. m.) per lot.
  - c. For business and professional offices and nursery schools: 10,000 sq. ft. (929 sq. m.).
  - d. For financial institutions, and governmental office buildings: One-half acre (21,780 sq. ft.) (2,023 sq. m.).
  - e. For utility substations and parks: No minimum requirement.
  - f. For a historical and architectural education center: One-third (1/3) acre (14,520 sq. ft.) (1,349.44 sq. m.).
  - g. For all other uses: One acre (43,560 sq. ft.) (4,047 sq. m.).
3. A maximum lot coverage of sixty percent (60%).
4. A minimum lot width of fifty (50) feet (15.24 m.).
5. A minimum front yard depth of twenty (20) feet (6.1 m.).<sup>1</sup>

<sup>1</sup> Front and Side Yard Abutting a Street Adjustment Next to Existing Structures: When a lot abuts, on both sides, lots that have already been developed, the front yard applicable to such lot shall be determined by taking the average of the setbacks of the buildings on the two abutting lots. When a lot abuts a lot that has already been developed on one side and a street on the other side, the front or side yard abutting a street applicable to such lot shall be determined by taking the average of the setback of the building on the

abutting developed lot and the required front or side yard abutting a street, but in no case shall the front yard be less than the setback of the building on the abutting developed lot. If a lot abuts a developed lot on one side and a vacant lot on the other side, the front yard applicable to such lot shall be determined by taking the average of the setback of the building on the abutting developed lot and the setback of the building on the lot immediately adjacent to the vacant lot.

6. For side and rear yards see Section 3.4A (5) and (6).
7. Minimum usable open space.
  - a. For multiple-family dwellings: Two hundred seventy-five (275 sq. ft.) (25.5 sq. m.) per dwelling unit.
  - b. For Senior Housing Developments: Independent and Assisted Living Units, Two hundred seventy-five (275) sq. ft. (25.5 sq. m.) per dwelling unit; Skilled Care Units, Seventy-five (75) sq. ft. (6.9 sq. m.) per bed.
  - c. For all other uses: Five hundred (500) sq. ft. (46.5 sq. m.).
8. A minimum lot depth of 132 feet.

### 13.3 Standards.

All of the property located in this district is subject to the general standards and regulations of this ordinance. to conserve space these standards and regulations have not been reprinted in the regulations for each district. Property located in this district is also subject to the following additional standards:

1. All operations, activities other than recreational or educational, and storage shall be conducted wholly inside a building or buildings, except that storage may be maintained outside a building in side yards or rear yards if no part of the storage is less than fifteen (15) feet (4.57 m.) from any lot line of the lot on which the use is located and if such storage area is separated from other property (except property located in a Commercial or Industrial District) and public streets by screening.
2. No retail sales or services shall be permitted, except as incidental or accessory to permitted use.
3. Service and maintenance of vehicles shall be permitted only such as is necessary to the conduct of a permitted use.
4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting excessive glare upon adjacent property.
5. All premises shall be furnished with all-weather hard- surface walks and, except for parking areas, the grounds shall be landscaped.
6. If the lot contains a use other than a residential building, and adjoins a lot containing a residential building, screening shall be provided at the lot line sufficient to protect on a year-round basis the privacy of the adjoining residential uses.

7. Site plan and architectural approval (5.5) shall be required for all permitted uses listed in Section 13.1 except 1, 3, and 4.
8. Downtown design review in accordance with Section 5.12 shall be required for all uses except single family dwellings located within the Downtown Design Review Overlay District.

## Article XV

### O-R Office and Research District

#### 15.1 Permitted Uses

1. Business and professional offices.
2. Research laboratories.

#### Special Use Permit Required

1. Parking lots.
2. Senior Housing Developments. The minimum lot area per dwelling unit for Independent and Assisted Living Units is 1,360 sq. ft. (126.35 sq. m.) of lot area per dwelling unit. The minimum lot area per bed for Skilled Care Units is, 880 sq. ft. (81.75 sq. m.). Senior Housing Developments shall also include the following minimum open space requirements: Independent and Assisted Living Units; Two hundred seventy-five (275) sq. ft. (25.5 sq. m.) per dwelling unit; Skilled Care Units; Seventy-five (75) sq. ft. (6.9 sq. m.) per bed.
3. Nursery schools.
4. Adult day care facilities.
5. Inns.
6. Mortuaries.
7. Private or public utility substations.

#### 15.2 Bulk Regulations

The following bulk regulations A through F apply, whenever a lot:

1. Is less than one acre in area, or has a depth of less than 180 feet, or both; and
2. Is contiguous to property in the R-1, R-2, R-3, R-4, or R-5 districts; and

3. Abuts the right-of-way line of one or more of the following arterial streets:

Geneva Road  
Roosevelt Road  
Main Street  
Naperville Road

- A. A maximum floor area of 10,000 square feet in any one building;
- B. A maximum building height of 35 feet or 2 1/2 stories, whichever is less;
- C. A maximum building lot coverage of 33 1/3 percent;
- D. A minimum of 30% of the lot shall be landscaped. This 30% may include setback areas and interior parking lot landscaping;
- E. Scaling of building mass to replicate a residential structure through the use of varied horizontal wall dimensions, varied roof heights, placement of windows and doors, etc.; and
- F. Minimum yards for a building and lot as required by Article VI of this code.

In all other instances, the following bulk regulations apply:

1. Maximum height: 70 feet or 5 stories, whichever is less.
2. Minimum lot size: One acre.
3. Minimum yards: The minimum front, side, and rear yard for a building shall be a distance equal to the height of the building. The minimum yards for a lot shall be as required by Article VI of the City code.

### 15.3 Standards.

All of the property located in this district is subject to the general standards and regulations of this ordinance. Property located in this district is also subject to the following additional standards:

1. All operations, activities (other than recreational or educational) and storage shall be conducted wholly inside a building or buildings.
2. No retail sales or services shall be permitted except as incidental or accessory to a permitted use.
3. Site plan and architectural approval (5.5) shall be required for all permitted uses listed in Section 15.1.

4. Downtown design review in accordance with Section 5.12 shall be required for all uses, except single-family dwellings located within the Downtown Design Review Overlay District.

## Article XXII

### Off-Street Parking and Loading

**22.5 Required Off-Street Parking.** Adequate off-street parking facilities shall be provided to accommodate the motor vehicles of residents, employees, visitors, customers, and vehicles used in the conduct of any business or enterprise. In no case shall the number of off-street parking spaces be less than the minimum prescribed in this Section 22.5, and accessory off-street parking facilities in excess of these requirements are permitted providing such facilities comply with all provisions of this Article.

1. **Automobile Service Stations, Automobile Repair Facilities, and Convenience Filling Stations.** Three (3) parking spaces for each service bay. Stacking spaces: Two (2) per service bay used primarily for oil change service, or as determined by the City Council based on an analysis demonstrating peak usage.
2. **Bowling Alleys.** Five (5) parking spaces for each lane. If such bowling alley contains accessory uses such as a restaurant or retail shop, additional parking based on the particular accessory use shall be required.
3. **Car Washes.** Five (5) parking spaces per 1,000 square feet of gross floor area. Stacking spaces: Three (3) per bay entering and two (2) per bay exiting for self service or single-car automatic; Ten (10) per bay entering and two (2) per bay exiting for an automatic conveyor-type car wash; or as determined by the City Council based on an analysis demonstrating peak usage.
4. **Churches, Auditoriums, Gymnasiums, Theaters, and Other Places of Public Assembly with Fixed Seats.** One (1) parking space for every three (3) seats or bench-seating places in the main assembly building. Existing parking spaces provided by the City or by business uses, located within four hundred feet (400') of the main assembly building (measured along public right-of-ways) may be used to satisfy not more than seventy-five percent (75%) of the required off-street parking, provided that adequate parking is available during the intended period of use of the main assembly building, and any ancillary uses related thereto.

The off-site 75% credit provided for herein shall not be applicable to buildings primarily devoted to religious worship in the following geographic area: Lincoln Avenue on the north, Chicago & Northwestern right-of-way on the south, Washington Street on the east, and Main Street on the west. Buildings primarily devoted to religious worship in this geographic area shall be permitted to use bumper-to-bumper ("nested-parking"), provided that the parking lot is designed and striped for nested-parking use, for purposes of satisfying the parking requirements provided for herein.

5. **Elementary Schools, Nursery Schools, and Junior High Schools, Public or Private.** One (1) parking space for each teacher or other employee provided that in no event shall the number of parking spaces be

less than one-fourth (1/4) the total number of seats or bench seating spaces in the main auditorium plus one (1) visitor parking space per each two (2) classrooms.

6. Hotels, Motels, and Inns. One (1) parking space for each guest room plus one (1) space for each on-duty employee. If such Hotel, Motel or Inn contains accessory uses such as a restaurant or retail shop, additional parking based on the particular accessory use shall be required.
7. High schools and Colleges, Public and Private. One (1) parking space for each seven (7) students based upon the maximum number of students attending classes on the premises at any one time in any twenty-four (24) hour period, plus one (1) space for each teacher or other employee, provided that in no event shall the number of parking spaces be less than one-fourth (1/4) the total number of seats or bench seatings in the main auditorium.
8. Laundromats. One (1) parking space for each two (2) washing or cleaning machines.
9. Manufacture, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing, or Repairing of Goods, Materials, or Products or Any Other Industrial Establishment Except Those Otherwise Specified in this Article XXI. One (1) parking space for each two (2) employees on combined employment of the two (2) largest successive shifts, plus one (1) visitor parking for each 1,000 sq. ft. of floor area, plus one (1) space for each vehicle maintained on the premises.
10. Medical and Dental Clinics and Offices. Five (5) parking spaces per 1,000 sq. ft. of floor area.
11. Mortuaries. Five (5) parking spaces per 1,000 sq. ft. of floor area plus one (1) parking space for each vehicle maintained on the premises.
12. Multiple-Family Dwellings. Two (2) parking spaces per dwelling unit plus .25 spaces per dwelling unit for guest parking.
13. Congregate Housing for the Elderly. One (1) parking space for each two (2) bedrooms.
14. Offices, Business and Professional (Except Medical and Dental). Four (4) parking spaces per 1,000 sq. ft. of floor area. If said office building is located on individual zoning lot and said office building is less than 5,000 square feet in size, five (5) parking spaces per 1,000 square feet of floor area is required.
15. Private Clubs. One (1) parking space for each two (2) members of the staff, plus one (1) parking space for each six (6) club members, plus one (1) parking space for each room which could be used to provide lodging accommodations for club members and their guests.
16. Public Libraries, Public Museums, Public Art Galleries, Historical and Architectural Education Centers, and Other Public Buildings. One (1) parking space for each six hundred 600 sq. ft. of floor area.
17. Restaurants, Fast Food or Drive-In Restaurants, or Service Establishments Providing Customer Services on Premises. Thirteen (13) spaces per 1,000 sq. ft. of gross floor area. Drive-thru stacking spaces: Seven

(7) per serving window, with a minimum of five (5) between the order station and pick up station, and an adequate order waiting area; or as determined by the City Council based on an analysis demonstrating peak usage.

18. Senior Housing Developments. 1 parking space per dwelling unit for Independent Living Units, .25 parking spaces per dwelling unit for Assisted Living Units, 1 space per employee, and .25 guest parking spaces per dwelling unit and/or bed.

**Section 2:** The Wheaton Zoning Ordinance text is further amended by adding the following senior housing development definition to Article 2:

Senior Housing Development: A residential development containing building or buildings for the care of the aged comprising of one or more of the following components:

Independent living – Residences targeted towards seniors that are generally the same as non-senior attached living units (i.e. apartments and condominiums) but with added communal facilities within the building, such as common dining and recreation areas.

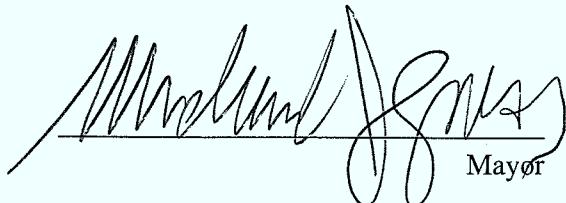
Assisted living – Residences designed for people who cannot live independently but are not in need of the frequent and/or intense medical assistance commonly associated with skilled care. Assisted living residents require help with day-to-day activities, such as with bathing and dressing. This type of facility also includes communal areas such as common dining and recreation areas.

Skilled care – Residences for individuals in need of relatively frequent and/or intense medical assistance. This type of facility also has some communal facilities, but to a lesser degree.

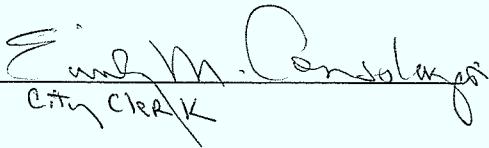
**Section 3:** This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**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.



Mayo

ATTEST:   
City Clerk

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: March 1, 2010  
Published: March 2, 2010

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