

ORDINANCE NO. F-1478

AN ORDINANCE PERTAINING TO THE ESTABLISHMENT OF A DOWNTOWN PARKING OVERLAY DISTRICT AND CERTAIN AMENDMENTS REGARDING OFF-STREET PARKING AND LOADING

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 a Downtown Parking Overlay District and to amend the Zoning Ordinance requirements for Off-Street Parking and Loading to reflect contemporary standards; 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 October 26, 2009, 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: Article 22 of the Wheaton Zoning Ordinance text is hereby amended by deleting it in its entirety and replacing it with the following:

“ARTICLE XXII

OFF-STREET PARKING AND LOADING

22.1 Scope of Article Regulations

The provisions of this Article shall apply as follows:

1. New Construction. The provisions of this Article shall apply to all buildings and structures erected and all uses of land (including the construction of new parking and loading facilities) established after the effective date of this Article. (February 16, 1993)
2. Enlargement of Use. When the intensity of use of any building, structure, or land is increased through additional dwelling units, floor area, seating capacity, or other units of measurement contained in Section 22.5, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
3. Change in Use. When the existing use of any building, structure, or land is changed to a new use, parking and loading facilities shall be provided as required for such new use. Provided, however, that if the existing use was established prior to the effective date of this article; March 15, 2010, additional parking and loading facilities are required only in the amount by

which the requirements of this Article for the new use exceed the requirements of this Article for the existing use.

4. **Downtown Parking Overlay District**. Except for properties in the C-2 Zoning District (where no off-street parking is required), the following off street parking requirements shall be utilized for the area bounded by Seminary Street on the north, Illinois Street on the south, Washington Street on the east, and West Street on the west, hereinafter, the “Downtown Parking Overlay District”:

Medical: 1.92 parking spaces per 1,000 square feet of floor area

Office: 1.81 parking spaces per 1,000 square feet of floor area

Residential: .78 parking spaces per 1000 square feet of floor area

Restaurant: 6.88 parking spaces per 1,000 square feet of floor area

Retail: 1.05 parking spaces per 1,000 square feet of floor area

Performing Arts Theatre: .32 parking spaces per seat.

All Business and Commercial Establishments Except Those Heretofore Specified: 1.05 parking spaces per 1,000 square feet of floor area.

22.2 Off-Street Parking Use and Location Standards

All off-street parking facilities shall comply with the following standards:

1. **Utilization**. Accessory off-street parking facilities shall be utilized solely for the motor vehicle parking of patrons, occupants, or employees of the use to which such parking is accessory. Parking lots permitted by the District regulations may be utilized for motor vehicle parking of other persons or uses, to the extent that such parking lots are not required to fulfill the accessory off-street parking requirements of any use. Space allocated to any off-street parking facility, including drive aisles, shall not, while so allocated, be used to satisfy any off-street loading facilities requirements.
2. **Repair and Service**. No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted on any open off-street parking area.
3. **Collective Provisions**. Off-street parking facilities for separate zoning uses may be provided collectively by such uses if the total number of spaces so provided is not less than the sum of the spaces required for all such separate uses, provided that all regulations pertaining to the location of accessory parking spaces are observed. A written agreement covering such collective use shall be submitted to the Director of Planning & Economic Development prior to its establishment, and a new agreement shall be required for any change in use of any of the aforesaid uses, if such change alters the number of off-street parking spaces for that use.
4. **Residential Parking - Location**. All required parking facilities for residential uses shall be located on the same lot as the building or use served.

5. Non-Residential Parking - Residential Districts - Location. All off-street parking facilities accessory to non-residential uses in the R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoning district shall be located on the same lot as the building or use served. Provided, however, that required or other accessory off-street parking may be located on a separate lot within 300 feet of the building or use served, upon the granting of a Special Use Permit as provided in Article V of this ordinance.
6. Non-Residential Parking - Non-Residential Districts - Location. All required parking facilities for non-residential uses in the C-1, C-2, C-3, C-4, C-5, O-R, and M-1 Districts shall be located on the same lot as the building or use served. Provided, however, that required or other accessory off-street parking in the C-2 and C-4 District may be located on a separate lot within 300 feet of the building or use served, upon the granting of a special use permit as provided in Article V of this ordinance. No off-street parking accessory to such use shall be located in a residential or institutional zoning district.
7. I-1 District Parking - Location. All parking facilities accessory to permitted uses in the I-1 District shall be located in compliance with Sections 22.2.5 and 22.2.6. All parking facilities accessory to a use requiring a Special Use Permit in the I-1 District shall be located in compliance with Section 22.2.6 except as modified by the I-1 District regulations.
8. Certain Churches/Assembly Uses. Notwithstanding any regulations provided for in this Article XXII to the contrary, parking requirements may be reduced for buildings primarily devoted to religious worship, and other assembly uses, within the geographic area of Lincoln Avenue on the north, Chicago & Northwestern Railway right-of-way on the south, Washington Street on the east, and Main Street on the west ("Cross Street Geographic Area"), as follows:
 - A. The number of required off-street parking spaces may be reduced not more than sixty-six and two-thirds percent (66 $\frac{2}{3}\%$) of the required amount provided that (i) parking spaces equivalent in number to the amount being reduced are located within five hundred feet (500') of the main assembly building and are located on a public right-of-way or (ii) are located in an off-street parking lot within one thousand feet (1,000') of the main assembly building and are the subject of a Shared Parking Agreement.

In no event shall the number of required off-street parking spaces be reduced more than 66 $\frac{2}{3}\%$ of the required amount.
 - B. In determining the number of off-street parking spaces which may be reduced, as provided for in Sub-paragraph A of this section, the parking spaces within a public right-of-way, City municipal parking lot, and/or off-street spaces subject to a Shared Parking Agreement may be taken into consideration provided that the number of

spaces being credited to each building primarily devoted to religious worship or other assembly use for Sunday parking do not exceed the total number of spaces within the off-street parking lot for said use.

- C. For buildings primarily devoted to religious worship and other assembly uses within the geographic area of the Cross Street Geographic Area, parking spaces being used as a credit pursuant to a Shared Parking Agreement, as provided for herein, may be located outside of the Cross Street Geographic Area.
9. Municipal Parking in C-4 CBD Perimeter Commercial District. Notwithstanding any regulations provided for herein to the contrary, the required amount of off-street parking spaces for any non-residential use in the geographic area of Lincoln Avenue on the north, Chicago & Northwestern Railway right-of-way on the south, Washington Street on the east, and Main Street on the west ("Cross Street Geographic Area") may be reduced as follows:
 - A. The number of required off-street parking spaces may be reduced not more than sixty-six and two-thirds percent (66 $\frac{2}{3}\%$) of the required amount provided that (i) parking spaces equivalent in number to the amount being reduced are located within five hundred feet (500') of the non-residential use and are located on a public right-of-way, or (ii) are located in a parking lot within one thousand feet (1,000') of the non-residential use and are the subject of a Shared Parking Agreement.

In no event shall the number of required off-street parking spaces be reduced more than 66 $\frac{2}{3}\%$ of the required amount.
 - B. In determining the amount of off-street parking spaces required for any non-residential use in the Cross Street Geographic Area, there may be taken into account the number of off-street parking spaces provided for in any parking lot within five hundred feet (500') of the non-residential use if the spaces in the off-street parking lot are the subject of a Shared Parking Agreement with any other use(s) within the Cross Street Geographic Area, provided that the off-street parking lot is zoned and classified in the C-4 CBD Perimeter Commercial District zoning classification.
 - C. For non-residential uses within the Cross Street Geographic Area, parking spaces being used as a credit pursuant to a Shared Parking Agreement, as provided for herein, may be located outside of the Cross Street Geographic Area.
10. Shared Parking Agreement. Credit for parking spaces which are the subject of a Shared Parking Agreement shall be applicable only when the parties to the Agreement are property owners whose property uses have parking demands which are inconsistent with each other (i.e., daytime v. evening, weekdays v. Saturday and/or Sunday, and the like). The total off-

street parking requirements of the parties to the Shared Parking Agreement may exceed the total number of off-street parking spaces available.

The Shared Parking Agreement shall be subject to the reasonable approval of the City Council (pursuant to the advice of the Planning and Zoning Board, if requested by the City Council) and the following conditions are requirements: (i) signed by the owners of each use included in the Agreement, (ii) termination shall require written notice to the non-terminating party or parties and the City Manager, (iii) termination shall not become effective sooner than six (6) months following the date of the written termination notice.

Upon termination of any Shared Parking Agreement, the parties and uses thereto shall be subject to all parking requirements provided for in this ordinance.

22.3 Parking Setback Requirements

Off-street parking spaces, aisles, and access drives shall comply with the following standards:

1. Enclosed Parking. Enclosed buildings and carports containing off-street parking spaces shall comply with the yard requirements for such structures contained in Article III of the Zoning Ordinance.
2. Maximum Yard Coverage for Parking - Single Family

All off-street parking spaces accessory to single family uses utilized for motor vehicle parking constructed after December 7, 1998 shall be located on a driveway no wider than 20 feet for a property containing up to a two-car garage, and no wider than 26 feet in width for a property containing a three or more car garage. All such off-street parking spaces shall be constructed of portland cement concrete (State Department of Transportation Class SI) not less than 5 inches thick, or of 1½ inches minimum thickness of bituminous concrete on a compacted granular base not less than 8 inches thick, concrete or clay brick pavers installed in accordance with manufacturers specifications, or permeable pavement installed in accordance with the manufacturer's specifications.

Additional off-street parking constructed after December 7, 1998 shall be allowed in any front yard or side yard abutting a street provided any such additional parking is contiguous to the driveway; is paved in accordance with the aforementioned construction standards; and the total area of the additional off street parking and driveway does not occupy more than 33 1/3% of the required front yard or side yard abutting a street.

Additional off-street parking constructed after December 7, 1998 shall be allowed in a rear yard provided any such additional parking is contiguous to the driveway; is paved in accordance with the aforementioned construction standards; and maintains a minimum 10-foot side and rear yard setback.

Vehicle turnarounds constructed after December 7, 1998 shall be allowed provided such turnarounds are contiguous to the driveway; are paved in accordance with the aforementioned construction standards; are sized to accommodate a maximum of one single vehicle; and are adjacent to an arterial street as established by the Wheaton City Code.

All motor vehicle parking, except as modified by Article 24.7.2 of the City of Wheaton Zoning Ordinance, shall be on a driveway or an approved additional parking area.

3. Cross Street Geographic Area Setback. Within the Cross Street Geographic Area, any surface parking area constructed following March 6, 1989, shall have a setback of not less than fifty feet (50') from the parking lot edge of pavement and the closest parallel property line(s) of any adjacent parcel in an R-1 through R-7, inclusive, single-family residential zoning, or a parcel improved with a single-family use in an I-1 Institutional Zoning District. In the event the surface parking lot and adjacent residential zoning district or residential use are separated by a public right-of-way, one-half (½) of the public right-of-way width may be included in determining the aforesaid setback.

That portion of the 50-foot setback, excluding paved public right-of-way, shall be improved with landscaping, as determined through the public hearing procedure, or provided for by ordinance.

4. C-2 and C-4 Zoning District Setback. All off-street parking facilities located in the C-2 and C-4 Zoning District shall be setback a distance of at least four (4) feet from any property line.

22.4 Off-Street Parking Design and Construction Standards

All open off-street parking facilities shall comply with the following standards:

- 1.1 Minimum Aisle and Space Dimensions for Surface Parking Facilities. Parking spaces shall be a minimum of 9 feet in width and 18 feet in length. Parking spaces parallel to the access aisle or driveway shall be a minimum of 8 feet wide and 24 feet long.

All turning radii for intersecting drive aisles shall be a minimum of 15 feet.

Angle of Parking	Minimum Width Of Space Parallel To Aisle	Minimum Length of Space Perpendicular To Aisle	Minimum Width Aisle
45 degrees	12' - 9"	17' - 8"	12'
60 degrees	10' - 5"	19' - 0"	17'
90 degrees	9' - 0"	18' -0"	24'

1.2 Minimum Aisle and Space Dimensions for Parking Structures

All private parking garages shall, at a minimum, be designed to a Level of Service (LOS) C and all public parking garages shall be, at a minimum, designed to a Level of Service (LOS) B as defined by the National Parking Association.

1.3 Notwithstanding any of the provisions of this zoning ordinance to the contrary, off- street tandem parking spaces may be permitted on a parcel of land, as a special use, subject to the following conditions, restrictions and requirements:

1. That the parcel of land be located in the Downtown Parking Overlay District or Institutional Zoning District.
2. That the tandem parking spaces be available only for, and used by employees of the business or organization occupying the building on the parcel of property. In the case of a building devoted to religious worship, tandem parking spaces may also be used by parishioners. Appropriate signage indicating this restriction shall be provided.
3. That the parking lot be striped appropriately to identify the tandem parking spaces with paint or other such permanent marking materials. Such striping shall be maintained in a clearly visible condition.
2. Handicap Parking Spaces. Handicapped parking spaces shall be at least 16 feet wide and provided in accordance with the requirements of the Illinois Capital Development Board, effective July 1, 1988, as may be amended from time to time.
3. Minimum Vertical Clearance. Off-street parking spaces, aisles, and driveways shall have a minimum vertical clearance of seven (7) feet.
4. Marking. Designated parking spaces shall be marked on the surface of the parking area with paint or permanent marking materials which shall be maintained in clearly visible condition.
5. Minimum Construction Standards and Materials. Open off-street parking facilities shall be graded and paved or otherwise improved with bituminous concrete, portland cement concrete, or permeable pavement. Parking facilities shall be designed to have a 20-year design life and shall be constructed with a perimeter six (6") inch barrier portland cement concrete curb. The minimum pavement thickness for parking facilities shall be a 1½ inch bituminous concrete surface course, Class I, and 1½ inch bituminous concrete binder course, Class I on a eight (8") inch aggregate base course, or a six (6") inch portland cement concrete pavement on a four (4") inch aggregate subbase. Permeable pavement shall be constructed in accordance with the manufacturer's specifications. The Director of Engineering may require

more stringent design standards for truck loading areas and main drive aisles in parking facilities.

Seasonal parking lots, being those parking lots which are consistently and regularly used for less than 8 months out of the year, are exempt from the requirement of installing a perimeter six (6") inch barrier portland cement concrete curb, provided the parking lot contains a barrier to prevent vehicular encroachment onto the perimeter landscaping. The size, quality, and type of barrier shall be subject to the approval of the Director of Engineering.

6. Drainage. Open off-street parking facilities shall comply with the requirements of Chapter 34 of the Wheaton City Code, as amended.
7. Drive Approaches and Pedestrian Visibility. All drive approaches providing access to a parking facility from a public street shall be constructed in compliance with Chapter 58 of the Wheaton City Code as amended. Parking facility driveways and drive approaches shall be constructed and maintained so that a pedestrian within 10 feet of a driveway is visible to the driver of a vehicle stopped at the property line.
8. Access Control and Signage. One-way driveways shall be clearly marked with appropriate entrance and exit signs. If, in the opinion of the Director of Engineering, traffic in the vicinity of the site warrants the restriction of turning movements or access to or from a parking facility, signs or driveway modifications necessary to accomplish said restrictions shall be provided.
9. Lighting. Parking lot lighting shall be required for all parking lots containing more than twenty (20) spaces. All lighting, except necessary for security purposes, shall be extinguished one-half ($\frac{1}{2}$) hour after the close of business.

Lighting for off-street parking facilities shall be of a shoe-box style luminaire with a flat lens installed parallel to the ground to prevent glare at eye level on surrounding public or private property. The footcandle illumination of lighting shall not exceed 0.5 footcandles at the property line. The maximum luminaire shall be 400 watts and the maximum pole height shall be 30 feet.

10. Stacking Spaces. Stacking spaces shall be designed to accommodate a typical motor vehicle waiting for entry to any drive-thru facility. Such spaces shall not interfere with on-site circulation or obstruct access to any parking spaces.

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. .4 parking spaces per seat in the main assembly building. Buildings devoted primarily to religious worship may utilize 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 Middle Schools, Public or Private. Elementary and Middle Schools shall provide the higher of .2 parking spaces per seat in auditorium or gym and .25 parking spaces per student. Nursery schools shall provide 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 seats 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. 4.5 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. Nursing Homes. One (1) parking space for each three (3) beds.
15. Offices, Business and Professional (Except Medical and Dental). 3.8 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, 4.5 parking spaces per 1,000 square feet of floor area is required.
16. 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.
17. 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.

18. Restaurants, Fast Food or Drive-In Restaurants, or Service Establishments Providing Customer Services on Premises. Fifteen (15) 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.
19. Single-Family Dwellings. Two (2) parking spaces per dwelling.
20. Stores Devoted to the Retail Sale of Foods, Drugs and Related Products. Five (5) parking spaces per 1,000 sq. ft. of floor area.
21. Stores Devoted to the Retail Sale of Furniture and/or Floor Coverings. 2.75 parking spaces for each 1,000 sq. ft. of floor area.
22. Tennis and Racquetball Courts. Four (4) parking spaces per court. If such tennis and racquetball courts contains accessory uses such as restaurant or retail shop, additional parking based on the particular accessory use shall be required.
23. Banks & Financial Institutions. 4.6 parking spaces for each 1,000 sq. ft. of floor area. Drive-thru stacking spaces: Four (4) per lane with two or less lanes, three (3) per lane with three or more lanes; or as determined by the City Council based on an analysis demonstrating peak usage.
24. Warehouses, Wholesale, Cartage, Parcel Delivery and Freight Terminal Establishments. One (1) space per 2,000 sq. ft. of floor area.
25. All Business and Commercial Establishments Except Those Heretofore Specified. 2.75 spaces per 1,000 sq. ft. of floor area. For drive-thru uses: Stacking spaces as determined by the City Council based on an analysis demonstrating peak usage.

22.6 Computation of Required Off-Street Parking and Loading

1. Number of Spaces. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, the fraction of less than one-half ($\frac{1}{2}$) may be disregarded and a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one (1) parking space.
2. Floor Area. For the purpose of determining the number of required off-street parking or loading spaces, "floor area" shall be construed as defined in Article II of this ordinance.
3. Employee Parking Spaces. Except as otherwise specified, parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

22.7 Time for Completion; Escrow Required

Off-street parking and parking facilities, as required by this Article, shall be constructed at the time of erection, establishment, alteration or enlargement of the building, structure or use of land for which they are required to serve and shall be fully completed including all landscaping prior to the issuance of a certificate of occupancy for the building improvements.

22.8 Required Off-Street Loading

Every building which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall be provided with off-street loading berths as required by this Article XXII.

22.9 Required Off-Street Loading Berths

Buildings, structures, or parcels of land which require off-street loading facilities, but which have less area than the minimum prescribed for such required facilities, shall provide a loading zone not less than 9' x 18' in size. This loading zone shall be exclusive of required parking spaces, drive aisles and/or fire lanes, and shall be signed and striped to discourage automobile parking.

1. Auditoriums, Gymnasiums, Theaters and Other Buildings for Public Assembly. For such a building containing 10,000 to 50,000 sq. ft. of floor area, one (1) loading berth. For each additional 50,000 sq. ft. of floor area or fraction thereof in such a building, one (1) additional loading berth. Each required loading berth for a building having more than 20,000 sq. ft. of floor area shall not be less than ten (10) feet wide by fifty (50) feet in length.
2. Office Buildings. For such a building containing 10,000 to 100,000 sq. ft. of floor area, one (1) loading berth. For each additional 200,000 sq. ft. of floor area or fraction thereof, one (1) additional loading berth.
3. Schools, Hospitals, Sanitariums, or Other Similar Institutional Buildings, and Multiple-Family Dwellings. For such building having 20,000 to 100,000 sq. ft. of floor area, one (1) loading berth. For each additional 100,000 sq. ft. of floor area or fraction thereof, one (1) additional loading berth.
4. Establishments for the Manufacturing, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing or Repairing of Materials, Goods, or Products, Cartage express, and Parcel Delivery and Freight Terminal Establishments. For such a building containing 5,000 to 20,000 sq. ft. of floor area, one (1) loading berth. For such a building containing 20,000 to 80,000 sq. ft. of floor area, two (2) loading berths, plus one (1) additional loading berth for each additional 50,000 sq. ft. of floor area or fraction thereof. Each required loading berth for such a building in excess of 10,000 sq. ft. of floor area shall be not less than ten (10) feet in width by fifty (50) feet in length.

5. Retail stores, Including Furniture and Appliance Stores, Repair Shops, or Restaurants, Warehouses, and Wholesale Establishments. For such a building loading berths shall be provided in accordance with the following schedule:

Square Feet of Floor Area	Minimum Number and Size of Each Berth
Under 5,000	See Section 22.9
5,000 to 12,500	One (1) 10' x 25'
12,500 to 40,000	Two (2) 10' x 50'
40,000 to 100,000	Three (3) 10' x 65'
100,000 to 250,000	Four (4) 10' x 65'

For each additional 200,000 sq. ft. of floor area, or fraction thereof, over 250,000 sq. ft. of floor area, one (1) additional loading berth, no less than ten (10) feet in width by fifty (50) feet in length.

6. Mortuaries. For such a building containing 8,000 to 100,000 sq. ft. of floor area, one (1) loading berth. For each additional 100,000 sq. ft. of floor area or fraction thereof in such a building, one (1) additional loading berth.

7. Other Uses. Not specifically listed, greater than 5,000 sq. ft. in floor area, which shall require the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall have off-street loading berth(s) in accordance with requirements of paragraph (5) above.

22.10 Standards for Loading Berths

1. Location. All required loading berths shall be off-street and shall be located on the same lot as the building to be served. No permitted or required loading berth shall be located within a required front yard or side yard.
2. Size. Unless otherwise specified in this ordinance, a required loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least fourteen (14) feet.
3. Access. Vehicular access to a street shall be over a drive approach constructed in accordance with Chapter 20 of the Wheaton City Code.
4. Surfacing. All open loading berths shall be graded and paved or otherwise improved with bituminous concrete or portland cement concrete.

5. Storage, repair and service. No storage, motor vehicle repair work or service of any kind shall be permitted within any required loading berth.
6. Drainage. All loading berths shall comply with the requirements of Chapter 34 of the City Code, as amended.
7. Utilization. Space allocated to a required loading berth shall not be used to satisfy any requirement of this ordinance for off-street parking spaces.
8. Computation. The term "floor area" is used for computation purposes as defined in Article II of this ordinance."

Section 3: Article 17.2 of the Zoning Ordinance is hereby amended by adding "Performing Arts Theaters" to the list of Permitted Uses.

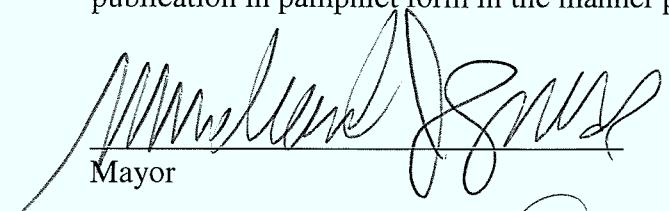
Section 4: Article 5.7B(3)3 is hereby amended by deleting the subsection in its entirety and replacing it with the following:

"To reduce the applicable off-street parking or loading spaces for a property located in the Downtown Parking Overlay District."

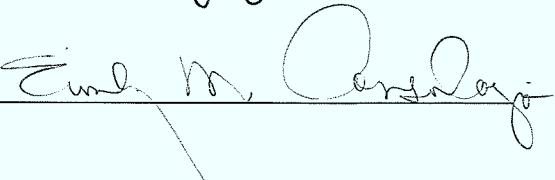
Section 3: This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

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: 

Emily M. Ondrey

Roll Call Vote:

Ayes: Councilman Prendiville
 Councilman Scalzo
 Councilman Suess
 Councilman Corry
 Councilman Levine
 Councilman Mouhelis
 Mayor Gesk

Nays: None
Absent: None

Motion Carried Unanimously

Passed: March 15, 2010
Published: March 16, 2010

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