


MEMORANDUM

To: The Honorable Mayor and City Council

From: James P. Kozik AICP, Director of Planning & Economic Development 

Date: October 21, 2009

Subject: City Council Public Hearing – Downtown Parking

On Monday, October 26, 2009, the City Council will conduct a public hearing to consider a proposed amendment to the Zoning Ordinance as it relates to Downtown Parking.

The proposed amendment is a result of a number of City Council discussions relating to Downtown parking following the completion of the Walker Parking Study and a recognition of the inconsistencies between the different zoning classifications that comprise the Downtown as evidenced by recent zoning applications for Downtown redevelopment projects.

In an effort to establish consistent off-street parking requirements within the Downtown regardless of the underlying zoning, the proposed amendment would establish a Downtown Parking Overlay District. Within this district, the required parking spaces per 1,000 square feet of floor space would be reduced from the amount required in the rest of the City to a number that is more reflective of a downtown environment that provides some on-street parking.

The proposed boundaries of the proposed district would be Seminary Street on the north, Illinois Street on the south, Washington Street on the east and West Street on the west.

The proposed amendment would also establish a “fee in lieu of” program for the Downtown Parking Overlay District. The fee in lieu of program would allow non-residential property owners within the downtown overlay district to fulfill some or all of their parking requirements associated with new development or redevelopment, including a change in use, by paying a fee in lieu of providing required on-site parking. No additional parking or fee in lieu of would be required for the remodeling or renovation of existing buildings, or a change in use that does not have a greater parking requirement. (for example, a retail to retail change in use would not require any additional parking; a retail to restaurant change in use would require additional parking or payment of a fee in lieu of providing additional parking)

In addition, the proposed amendment would allow the use of permeable pavers for the construction of parking areas, slightly increase the maximum yard coverage for single family parking, designate a Level of Service design standard for parking garages, modify the number of required parking spaces for several uses, and allow Performing Arts Theatres as a permitted use in the C-2 Zoning District.

Attached to this memorandum are several pages from the Zoning Ordinance with the new text shown in red and any text to be deleted as being struck-out.

Attachment

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, (~~insert date February 16, 1993~~) 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. 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
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.

5. Downtown Parking Overlay District In Lieu Fee Program- Nonresidential Uses. Where it can be demonstrated that the reasonable and practicable development, redevelopment or re-occupancy of nonresidential uses can not provide the

provision of all or some of the required off-street parking, the City Council may permit all or some parking requirements to be satisfied for those uses within the Downtown Parking Overlay District by the payment of an in lieu parking fee to the City to serve the proposed use. Such payment shall be made to the City in one lump sum prior to the issuance of a building permit and/or re-occupancy permit.

The amount of the in lieu parking fee shall be set by separate ordinance. The City Council may adjust the in lieu parking fee ordinance at its discretion as is deemed necessary based on factors including, but not limited to, inflation, the cost of providing new parking spaces, and the market value of parking spaces.

Payment of the in lieu parking fee shall not absolve the property owner from any future obligation to participate in future construction of publicly accessible parking spaces through additional funding mechanisms e.g., a local improvement district, special service area, special assessment, etc.

Any off-street parking satisfied in this manner shall run with the land, and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made. If a structure is reduced in area, or wholly or partially becomes vacant, or a use is replaced with a use for which less parking is required according to the zoning regulations, there shall be no change/refund in the obligation for parking in lieu fees.

Funds derived from such payments shall be deposited by the City in a special fund and shall be used and expended exclusively for the purpose of planning, designing, acquiring, and developing off-street parking facilities within the Downtown Parking Overlay District. Payment of in lieu parking fees does not guarantee the construction of spaces in any particular area of the Downtown Parking Overlay District or within any particular period of time. In lieu parking fees are solely an alternative means of satisfying the applicant's obligations to provide off-street parking as required by this Article and payment of the in lieu parking fee does not carry any other guarantees, rights, or privileges to the applicant. If the in lieu parking fee program is terminated, any excess funds collected prior to dissolution shall be used for those purposes identified herein or restoration/reconstruction of existing parking.

When a variation is granted from all or a portion of the off-street parking requirements, such variation may be granted upon the condition that the applicants make payment to the City in accordance with the provisions of this Section.

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 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. Municipal Parking in C-4 District. Any non-residential use in the C-4 zoning district may utilize municipal parking (either on-street or off-street) to fulfill not more than one-third (1/3) of its off-street parking requirements, provided that:
 - ~~A. The number of municipal spaces so utilized shall be located within 300 feet of the use served; and~~
 - ~~B. Municipal parking spaces shall not be deemed to include spaces owned or leased by the City which are reserved for use by the City.~~~~
- ~~5.~~ 4. Residential Parking - Location. All required parking facilities for residential uses shall be located on the same lot as the building or use served.
- ~~6.~~ 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.
- ~~7.~~ 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.

~~8.7.~~ 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.

~~9.8.~~ 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.

~~10.9.~~ Municipal Parking in C-4 CBD Perimeter Commercial District. Cross Street Geographic Area. 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~~ Seminary Street 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 (66⅔%) 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 66⅔% 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.

~~44.10.~~ 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.
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 Sl) 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 ~~30~~ 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 geographic area of Lincoln Avenue on the north, ~~Chicago & Northwestern Railway right-of-way~~ Seminary Street on the south, Washington Street on the east, and Main Street on the west, 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

Since the nature of parking within a parking structure is different from parking on a surface parking lot, the following minimum aisle and space dimensions may be requested by any zoning applicant and approved pursuant to a special use permit:

Angle of Parking	Minimum Width Of Space Parallel To Aisle	Minimum Length of Space Perpendicular To Aisle	Minimum Width Aisle
45 degrees	12' 0"	17' 4"	14' 4"
50 degrees	11' 1"	17' 11"	15' 2"
55 degrees	10' 5"	18' 5"	15' 8"
60 degrees	9' 10"	18' 9"	16' 6"
65 degrees	9' 10"	19' 0"	17' 0"
70 degrees	9' 1"	19' 1"	17' 10"
75 degrees	8' 10"	19' 0"	19' 6"
90 degrees	8' 6"	17' 11"	25' 8"

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

All private parking garages shall be designed to a Level of Service (LOS) C and all public parking garages shall be 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 ~~C-2, C-4~~ **Downtown Parking Overlay District** or Institutional Zoning District.
2. That the tandem parking spaces be only available 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, ~~or~~ 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 (½) hour after the close of business.

Lighting for off-street parking facilities shall be of a shoe-box luminaire 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. ~~One (1) parking space for every three (3) seats or bench seating places~~ **.4 parking spaces per seat** in the main assembly building. **Buildings devoted primarily to religious worship may utilize e**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 Junior High 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 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. 4.5 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. Nursing Homes. One (1) parking space for each three (3) beds.
15. Offices, Business and Professional (Except Medical and Dental). ~~3.8 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, ~~4.5 five (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) 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.
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 Four (4)~~ 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. Six (6) spaces per 1,000 sq. ft. of gross floor area in public banking area (excluding vault), plus four (4) spaces per 1,000 square feet of floor area for the remainder of the building.~~ 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 ~~Five (5)~~ 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.

ARTICLE XVII

C-2 RETAIL CORE BUSINESS DISTRICT

17.1 Purpose

The intent of this district is to accommodate pedestrian oriented retail businesses and other uses located at the center of the City, adjacent to commuter rail facilities which form the retail core of the Central Business District of the City. This district is intended to be an intensively developed, compact area consisting primarily of retail businesses as reflected by the bulk regulations contained herein.

17.2 Permitted Uses

- Antique sales
- Appliance Stores
- Art gallery
- Art supplies
- Arts and crafts shops
- Automatic teller machines
- Bakery, retail
- Bath, bed, and kitchen shops
- Bicycle sales and repair
- Book, magazine and newspaper stores
- Candy and popcorn stores
- Carpet and tile sales
- Carry-out restaurants
- China and glassware stores
- Clothing and apparel stores
- Coin and stamp stores
- Convenience food stores
- Cookware stores
- Cosmetics sales
- Curtain and drapery stores
- Delicatessens
- Dentists
- Department stores
- Dog grooming
- Drug Stores
- Engraving services
- Fabrics, sewing supplies, and sewing machine stores
- Fast food restaurants without drive through facilities

Florists
Furniture stores
Gift and card stores
Gourmet foods
Grocery stores
Hardware stores
Hobby shops
Ice cream parlors
Interior decorators
Jewelry stores
Leather goods and luggage stores
Meat markets
Movie theaters
Museums
Musical instrument sales and service
Office supplies, business machine sales, and computer sales
Opticians and optometrists
Paint, glass, and wallpaper stores
Performing Arts Theatres
Pet shops
Picture framing
Photographic studios
Photographic supplies and cameras
Post office and parcel services
Printing, copying, and blueprint services, retail
Record, tape, and video tape sales and rental
Restaurants
Shoe repair shops
Shoe stores
Sporting goods stores
Tailors and dressmakers
Tea rooms
Tobacco and pipe shops
Toy stores
Variety stores

Other uses which are of the same general character as the above permitted uses, as determined by the Director of Planning & Economic Development, but specifically excluding those uses which are first permitted in the C-3 and C-4 zoning districts.

17.3 Permitted Uses - Other Than Main Floor

Business and professional offices
Dwelling units
Health clubs
Meeting halls

Radio, TV, and recording studios

17.4 Special Use Permit Required

A special use permit is required for any of the following uses:

Parking lots and parking garages, as the principal use of a lot
Governmental buildings and uses
Any use of the main floor of a building for any uses listed in Section 17.3, above

17.5 Standards The following standards apply to all property located in the C-2 zoning district in addition to the general standards contained in Article III:

- A. All business shall be primarily of retail character, selling or performing services directly to the public. Wholesaling or jobbing shall be permitted only where retailing is the primary use of the premises.
- B. The manufacture, assembly, processing, or packaging of goods shall be permitted only when incidental to a permitted use. All goods produced on the premises shall be sold at retail on the premises.
- C. Outdoor Storage - General. All business, servicing, storage and display of goods shall be conducted within completely enclosed buildings. The following activities and uses are exempt from this requirement:
 - Accessory off-street parking and loading
 - Outdoor seating provided by a restaurant
 - Temporary outdoor storage as permitted in Article 24.12
- D. Exterior lighting fixtures shall be designed or shaded so as to avoid casting direct light or glare toward surrounding properties or streets and to direct illumination downward.
- ~~E. Accessory off-street parking is not required. If voluntarily provided, off-street parking facilities shall comply with all the requirements of this ordinance, except the number of required spaces.~~
- ~~F.~~ E. Site plan and architectural approval is required for all new structures, and parking lots.
- ~~G.~~ F. 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.

17.6 Bulk Regulations

- A. Maximum Height A maximum height of 4 stories or 50 feet, whichever is greater.
- B. Lot Area There are no lot area requirements in the C-2 district.
- C. Lot Width There are no lot width requirements in the C-2 district.
- D. Yard Requirements The minimum yard requirements for a building in the C-2 district are:
 - a. The first story of a building on a corner lot shall not project beyond a straight line drawn between two points on the right-of-way lines adjoining the site, which points are 5 feet from the right-of-way corner.
 - b. Excepting the corner setback as set forth above, there are no yard requirements in the C-2 district.

reasonably require. Any application shall be filed by either the owner of record or the contract purchaser of the property involved. The Director of Planning and Economic Development shall submit the application to the Planning and Zoning Board for a public hearing and recommendation. The Planning and Zoning Board shall submit its recommendation related to the proposed variation to the City Council as soon as reasonably practical, but in no event, later than sixty (60) days from the closing of the public hearing, or within such additional time as may be designated by the City Council. Notice of the Public Hearing shall be given in accordance with Sections 5.7.7.

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 1/3 of the required parking to be fulfilled by the utilization of available municipal parking (either on-street or off-street).~~
4. **With the exception of properties located within the Downtown Parking Overlay District, 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 February 7, 2005.

8. For a seasonal parking lot, to permit a reduction in the amount of required landscaping and/or the elimination of any required lighting.