

MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: James P. Kozik, AICP, Director of Planning and Economic Development

DATE: August 12, 2021

SUBJECT: Amendment to Ordinance No. O-2021-13 – Extension of Occupancy Period – Hale Street Tents

Request

Approval of an Ordinance amending Ordinance No. O-2021-13 to permit an extension of the occupancy period for the Hale Street tents from September 7, 2021 to October 31, 2021.

Background

On April 5, 2021, the City approved Ordinance No. O-2021-13, which ratified a mayoral executive order suspending enforcement of portions of the Zoning Ordinance (Ordinance no. F-0393) and Chapter 6 “Alcoholic Beverages,” Sections 6-1 through 6-132 of the Code of Ordinances of the City of Wheaton to allow the occupancy of a portion of Hale Street for dining tents and associated accoutrements.

The purpose of the temporary street closure was an attempt to ameliorate some of the impacts of the COVID-19 pandemic both economically and socially in the Downtown while further attempting to control the spread of COVID-19.

The temporary street occupancy and installation of associated accoutrements began on April 26, 2021 and is to terminate on the end of business on September 7, 2021.

Attached is a request from the Downtown Wheaton Association to extend the termination date to October 31, 2021. In their request, the DWA acknowledges the need to provide access to Wheaton Drama who has been delaying roof repairs and HVAC replacement on their building pending removal of the tents on September 7th and prior to the opening of their season on September 17th.

City Council Consideration

Attached for City Council consideration is an Ordinance amending Ordinance No. O-2021-13 to permit an extension of the occupancy period for the Hale Street tents from September 7, 2021 to October 31, 2021.

c: Elle Withall





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ASSOCIATION
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Memorandum

To: Jim Kozik, Economic Development Director, City of Wheaton
From: Elle Withall, Executive Director, Downtown Wheaton Association
Date: August 12, 2021
Subject: Extension of Hale Street Tents

Proposal

The Downtown Wheaton Association (DWA) submits a request to extend the outdoor Hale Street tents through October 31, 2021. The continuation of the Hale Street tents provides for increased foot traffic in the downtown, a destination for the community and increased revenues for retailers and restaurants. The cost of this extension time will be covered by the DWA.

This is contingent upon Wheaton Drama securing other means to install their AC unit prior to their opening production dates.

Questions can be directed to elle@downtownwheaton.com.

Tonya Parravano, President; Donna Hesik, Immediate Past President; Kate Martin, Vice President; Kyle Brady, Secretary; Ron Diener, Treasurer

DowntownWheaton.com
PO Box 317, Wheaton, Illinois 60187
630-682-0633

ORDINANCE NO. O-2021-

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. O-2021-13
TO EXTEND THE OCCUPANCY DATE OF A PORTION OF HALE STREET BETWEEN FRONT AND
WESLEY STREETS, TO ALLOW DINING TENTS, ASSOCIATED ACCOUTREMENTS AND TO ALLOW
OUTDOOR LIQUOR SALES DURING THE EXTENDED OCCUPANCY PERIOD**

WHEREAS, the Wheaton downtown business district is a vital economic artery of the City and has suffered, and continues to suffer, negative business impacts as a consequence of the COVID-19 pandemic as well as new variants of the disease, increasing the threats of infection; and

WHEREAS, variants of the COVID virus are creating new and continuing challenges for businesses in the Affected Area; and

WHEREAS, restaurants along Hale Street, between Front Street and Wesley Street, (hereinafter "Affected Area"), like other Wheaton restaurants, have suffered business interruptions as a consequence of the COVID-19 pandemic and stand at risk of future business interruptions based on the threats from the variants; and

WHEREAS, the Affected Area is amenable to temporary street closing for vehicular traffic to allow the extension of the occupancy period for dining tents and associated accoutrements due to its limited length and the ability of other streets in the downtown business area to accommodate traffic movements both north, south, east and west of the Affected Area; and

WHEREAS, a temporary street closure in the Affected Area enhances pedestrian traffic in many areas of the downtown business district and, therefore, benefits downtown business areas during a temporary street closure; and

WHEREAS, due to the Affected Area's dimensions, it will be easier to monitor and control social distancing, masking and other COVID-19 pandemic-related control methodologies as opposed to attempting to do the same throughout the entire Wheaton downtown business district; and

WHEREAS, the Affected Area is best suited in Wheaton's downtown business area to police and fire controls if the street in the Affected Area is temporarily closed; and

WHEREAS, the purpose of the temporary street closure of the Affected Area is to attempt to ameliorate some of the impacts of the COVID-19 pandemic both economically and socially in the downtown business district in the City of Wheaton while further attempting to control the spread of COVID-19.

NOW, THEREFORE, BE IT ORDAINED by the Corporate Authorities of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: That for purposes of this Ordinance, a “Designated Business” is any business located in the Affected Area which provides food and beverage service to the public.

SECTION 2: That the occupancy period for dining tents other accoutrements and alcohol sales set forth in Ordinance number 0-2021-13 is hereby extended until October 31, 2021 (hereinafter “Extended Occupancy Period”).

SECTION 3: That all other terms, conditions, provisions, requirements and authorizations set forth in Ordinance number 0-2021-13 shall remain in full force and effect during the Extended Occupancy Period.

SECTION 4: That the Extended Occupancy Period shall terminate at the earliest of the following:

- A. An Ordinance adopted by the Wheaton City Council repealing this Amending Ordinance; or
- B. At the end of business on October 31, 2021; or
- C. Suspension or revocation of a temporary street occupancy by the Corporate Authorities of the City based on a violation of this Ordinance.

SECTION 5. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance.

SECTION 6. This Ordinance shall become effective upon its passage, execution and publication as provided by law.

Mayor

Attest:

City Clerk

Roll Call Vote:

Ayes:

Nays:

Absent:

Passed: August 16, 2021

Published: August 16, 2021