

ORDINANCE NO. F-1520

AN ORDINANCE ESTABLISHING REGULATIONS THAT LIMIT THE NUMBER, SIZE AND LOCATION OF DVD VENDING MACHINES AS OUTDOOR STORAGE IN THE CITY OF WHEATON

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 that limit the number, size and location of DVD vending machines as outdoor storage.

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board, acting as a hearing body on August 24, 2010 and September 28, 2010 to consider said amendments establishing regulations that limit the number, size and location of DVD vending machines as outdoor storage in the C-3 and C-5 Zoning Districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Wheaton Zoning Ordinance text is amended by adding the following language to Article 2:

DVD Vending Machine: A DVD vending machine is any receptacle used for the distribution and collection of DVD rentals to the public.

Section 2: The Wheaton Zoning Ordinance text is further amended by deleting Articles 18.4.A and Article 20.4.A in their entirety and replacing them with the following:

18.4 Standards The following standards apply to property located in the C-3 zoning district in addition to the general standards contained in Article III:

A. **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

Sales and services normally offered at automobile service stations, car washes, and convenience filling stations

Outdoor display of automobiles, trucks, trailers, boats, or recreational vehicles for sale or rental
Drive-in banking

Outdoor seating provided by a restaurant

Temporary outdoor storage as permitted in Article 24.12

Not more than one DVD vending machine per public entrance at grocery, convenience food store, department or drug store provided they are placed adjacent to the building, do not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, and are not located within five (5) feet of a Fire Department connection. A maximum depth of three (3) feet, width of six (6) feet and height of eight (8) feet are permitted for the combined machine and surround.

20.4. Standards The following standards apply to property located in the C-5 zoning district in addition to the general standards contained in Article III.

A. Outdoor Storage - General. All businesses, services, 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

Sales and services normally offered at automobile service stations, car washes, and convenience filling stations

Drive-in banking

Outdoor seating provided by a restaurant, and in-car service or outdoor seating provided by a fast-food or drive-in restaurant

Temporary outdoor storage as permitted in Article 24.12

Not more than one DVD vending machine per public entrance at grocery, convenience food store, department or drug store provided they are placed adjacent to the building, do not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, and are not located within five (5) feet of a Fire Department connection. A maximum depth of three (3) feet, width of six (6) feet and height of eight (8) feet are permitted for the combined machine and surround.

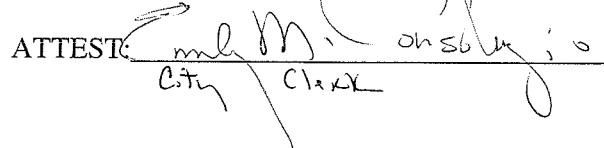
Section 3: This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

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.



Michael Jones
Mayor

ATTEST: 
Emily M. Ohlsburg
City Clerk

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: October 18, 2010
Published: October 19, 2010

