

ORDINANCE NO. O-2024-05

**AN ORDINANCE AMENDING ARTICLE XXIV - ACCESSORY USES AND HOME OCCUPATIONS OF THE
WHEATON ZONING ORDINANCE - MOBILE DONATION OFFICES**

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has determined it to be appropriate to amend the Wheaton Zoning Ordinance to offer residents a convenient way to donate items; and

WHEREAS, the proposed text amendment amends the Wheaton Zoning Ordinance by adding a definition and requirements for Mobile Donation Offices; 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 Planning and Zoning Board, acting as a hearing body on January 23, 2024, to consider said amendment which proposes adding a definition and requirements for Mobile Donation Offices.

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

Section 1: The text of the Wheaton Zoning Ordinance, Article II - Definitions, is hereby amended by adding a definition of a Mobile Donation Office, which shall read as follows:

"Mobile Donation Office: A trailer or temporary structure that is staffed by employees during business hours and that collects gently used clothing, shoes, and household goods for the purpose of providing a donation to a charitable organization."

Section 2: The text of Wheaton Zoning Ordinance, Article XXIV - Accessory Use and Home Occupations, is hereby amended by repealing and rescinding Article 24.4 in its entirety and replacing it with a new Article 24.4, which shall read as follows:

"24.4 Permitted Accessory Uses in Compliance with District Bulk Regulations.

The following are permitted accessory uses when located in compliance with the bulk regulations of the district in which they are located:

1. A swimming pool house pursuant to the issuance of a special use permit provided that the swimming pool house is under the sole and exclusive control and responsibility of the property owner.
2. A building used primarily for religious worship may have accessory uses on the same lot, other buildings or other uses owned or operated by the religious institutions, including rectories, parsonages, offices, convents, schools, lunchrooms, recreational facilities, gift and resale shops for periodic sales or used and/or handmade merchandise, providing all proceeds are to be utilized solely for the benefit of the religious institution.

3. Roofed-over or unroofed decks, patios, porches, roofed-over stairs, and unroofed stairs over four (4) feet above the average grade of the adjoining ground.
4. Donation drop boxes if located in the C-1, C-3, C-5 Zoning Districts or on properties primarily occupied by an educational, religious, governmental, or charitable use. The boxes shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. No property can have both a Donation Drop Box and a Mobile Donation Office simultaneously. No more than two boxes (side-by-side) are allowed on a zoning lot less than two (2) acres in size. No more than three boxes (side-by-side) are allowed on a zoning lot equal to or greater than two (2) acres in size. Each box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area. The boxes shall be located on a parking lot or other paved surface, not adjacent to the front building facade. The boxes shall not: be within 15 feet of the front property line, reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, be located within five (5) feet of a Fire Department connection, utilize any parking spaces required by Article XXII or disrupt the flow of vehicular or pedestrian traffic. The box shall include language discouraging the placement of items outside of the box. The name and phone number of the box owner/ operator shall be posted on the box. Upon telephone notification from the City of Wheaton Code Enforcement Department that materials are being placed outside of a box, the box owner/ operator shall have 24 hours to remove said materials. Failure to do so on three or more occasions in any calendar year may result in penalties listed under Article 5.14 of this Ordinance.
5. Mobile Donation Office if located in the C-1, C-3, C-5 Zoning Districts, if approved as a Special Use.
 - a. The Mobile Donation Office shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. Only one Mobile Donation Office is allowed on a zoning lot. The Mobile Donation Office shall be located on a parking lot or other paved surface. No property can have both a Donation Drop Box and a Mobile Donation Office simultaneously.
 - b. The Mobile Donation Office shall be staffed by a minimum of one employee during regular business hours and shall collect gently used clothing, shoes, and household goods for the purpose of providing a donation to a charitable organization. Exterior signage stating that the Mobile Donation Office is authorized to collect donations on behalf of a charitable organization shall be placed on the Mobile Donation Office.
 - c. In connection with the Special Use application, the applicant shall submit for approval a site plan depicting the location of the Mobile Donation Office on the zoning lot. A Mobile Donation Office shall be located on a parking lot or other paved surface as depicted on the approved site plan. The Mobile Donation Office shall not be within 15 feet of the front property line, reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, be located within five (5) feet of a Fire Department connection, utilize any parking spaces required by Article XXII or disrupt the flow of vehicular or pedestrian traffic. The maximum dimensions of a Mobile Donation Office shall be 45 feet long by 10 feet wide.
 - d. Materials may not be left outside of the Mobile Donation Office at any time. The Mobile Donation Office shall have security in place to ensure that no materials are left unattended outside of the Mobile Donation Office. Upon telephone notification from the City of Wheaton Code Enforcement Department that materials are being placed outside of the Mobile Donation Office, the Mobile Donation Office owner/operator shall have 24 hours to remove said materials. Failure to do so on three or more occasions in any calendar year may result in penalties listed under Article 5.14 of this Ordinance."

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: If any phrase, clause, sentence, paragraph, or section of this ordinance is 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.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST: Andrea Rosedale

City Clerk

Philip J. Suess
Mayor

Roll Call Vote:

Ayes: Councilwoman Bray-Parker
Councilman Weller

Nays: Councilman Barbier
Councilman Brown
Mayor Suess
Councilman Clousing
Councilwoman Robbins

Absent: None

Motion Failed

Passed: N/A

Published: February 21, 2024

