

ORDINANCE NO. F-1263

**AN ORDINANCE AMENDING THE TEXT
OF THE WHEATON ZONING ORDINANCE – ARTICLE V “ADMINISTRATION”
AND ARTICLE XXII “OFF-STREET PARKING AND LOADING”**

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the City and its residents to consider certain amendments to the text of the City Zoning Ordinance; 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 on January 23 and February 13, 2007, to consider certain text amendments pertaining to fines for violating the Ordinance and drive-thru vehicle stacking requirements; and the Wheaton Planning and Zoning Board has recommended approval of the text 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: The Wheaton Zoning Ordinance text is amended by deleting Article 5.14 in its entirety and replacing it with the following section:

“5.14 Penalties. A person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Each day such a violation or failure to comply is permitted to exist after notification shall constitute a separate offense.”

Section 2: The Wheaton Zoning Ordinance text is amended by adding the following section:

“22.4.10 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.”

Section 3: The Wheaton Zoning Ordinance text is amended by deleting Article 22.5.1; Article 22.5.3; Article 22.5.18; Article 22.5.23; and Article 22.5.25 in their entirety and replacing them with the following sections:

“22.5.1 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.

22.5.3. 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.

22.5.18. Restaurants, Fast Food or Drive-In Restaurants, or Service Establishments Providing Customer Services on Premises. 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.

22.5.23. Banks & Financial Institutions. 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.

22.5.25. All Business and Commercial Establishments Except Those Heretofore Specified. 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.”

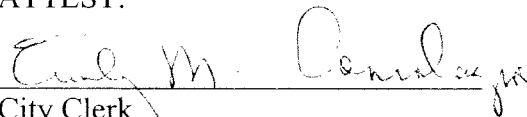
Section 4: In all other respects, the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

Section 5: All ordinances or parts of ordinance in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective form and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor 

ATTEST:


City Clerk

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Sues
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: March 19, 2007

Published: March 20, 2007