

**ORDINANCE NO. F-1522**

**AN ORDINANCE ESTABLISHING REGULATIONS THAT LIMIT THE NUMBER, SIZE AND LOCATION OF DONATION DROP BOXES 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 donation drop boxes 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 July 27, 2010, August 24, 2010, September 28, 2010 and October 12, 2010 to consider said amendments establishing regulations that limit the number, size and location of donation drop boxes as outdoor storage.

**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:

Donation Drop Boxes: A receptacle used for the collection of used clothing, shoes, books and small household items donated by the public for redistribution.

**Section 2:** The Wheaton Zoning Ordinance text is further amended by adding the following language to Article 24.4:

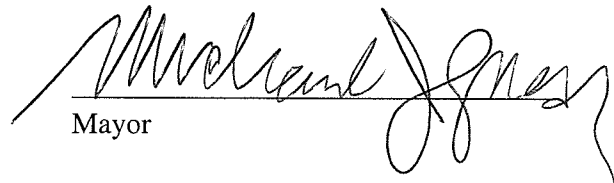
24.4 Permitted Accessory Uses in Compliance with District Bulk Regulations.


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 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.

**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.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Clerk

Roll Call Vote:

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

Nays: None

Absent: Councilman Scalzo

Motion Carried Unanimously

Passed: November 15, 2010

Published: November 16, 2010