

ORDINANCE NO. O-2018-65

**AN ORDINANCE AMENDING THE TEXT OF THE WHEATON ZONING ORDINANCE FOR PERIMETER WINDOW/ LINEAR LIGHTING, OBSOLETE SPECIAL USE PERMITS AND PLANNED UNIT DEVELOPMENTS (PUD'S), AND ELECTRONIC MESSAGE BOARD SIGNS**

**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 October 23, 2018, regarding an amendment to certain provisions of the Zoning Ordinance pertaining to perimeter window/ linear lighting, obsolete special use permits and planned unit developments (PUD's), and electronic message board signs; and

**WHEREAS**, the Corporate Authorities of the City have determined that it is appropriate to amend certain provisions of the Zoning Ordinance pertaining to perimeter window/ linear lighting, obsolete special use permits and planned unit developments (PUD's), and electronic message board signs.

**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:** Pursuant to the Findings of fact made and determined by the Wheaton Planning and Zoning Board, Article II - Definitions of the Wheaton Zoning Ordinance is amended by adding the following language:

**"Linear Lighting:** All types of illumination, static or flashing, internal or external, fully or partially outlining architectural features such as doors, windows, walls, wall edges or other structural/building elements and which may attract attention or be used as a means of identification or marketing, not including holiday decorations. All holiday decorations shall comply with the City adopted National Electric Code. Linear lighting shall not be used as security lighting or ingress/egress lighting."

**Section 2:** Pursuant to the Findings of fact made and determined by the Wheaton Planning and Zoning Board, Article XXIII - Signs, Section 23.4.1, of the Wheaton Zoning Ordinance is amended by deleting it in its entirety and replacing it with the following:

**"1. Attention-Getting Devices.** No attention getting device, including but not limited to pennants, streamers, festooned lights, linear lighting, whirligigs, nor any sign which is designed to be moved by the wind, shall be permitted, except as provided in this Article."

**Section 3:** Pursuant to the Findings of fact made and determined by the Wheaton Planning and Zoning Board, Article III - Zoning Districts and General Regulations, Section 3.4, of the Wheaton Zoning Ordinance is amended by adding the following language:

**"3.4E. Obsolete Special Use and Planned Unit Development Ordinance Requirements:** Properties developed under zoning ordinances of general application that previously required special use approval, shall no longer be subject to the terms and conditions set forth in the specific special use ordinances approving those developments, where subsequent zoning amendments of general application have repealed the requirement of one or more condition(s) of a special use permit. Properties in conformance with specific special use requirements which are no longer applicable in the zoning district generally because the requirements have been repealed or modified, shall only have to comply with the current zoning requirements of those districts irrespective of their

specific special use ordinances unless, as determined by the Director of Planning, some specific condition of the original special use permit remains necessary in order to protect the public health, safety and welfare in areas of: traffic safety, utility provision and maintenance, or storm water protection. In the latter instance, the City Staff shall work with the owner on how to accommodate the public health, safety and welfare concerns. If agreement cannot be reached the property owner may submit an application for an amendment to the PUD or special use for the property in conformance with the procedures set forth in the Zoning Code."

**Section 4:** Pursuant to the Findings of fact made and determined by the Wheaton Planning and Zoning Board, Article XXIII - Signs, Section 23.7f, of the Wheaton Zoning Ordinance is amended by deleting it in its entirety and replacing it with the following:

**"f. Electronic Message Board Signs.**

The following standards shall apply to all Electronic Message Board signs:

(1) Electronic Message Board Signs shall be located only along the following rights-of-way:

Butterfield Road, east of West Loop Road and west of Leask Lane;  
Butterfield Road, west of Wiesbrook Road;  
Geneva Road east of West Street and west of Hallmark Court;  
Geneva Road east of Gary Avenue and west of Farwell Street;  
Main Street, north of Wakeman Avenue and south of Cole Street;  
Naperville Road, north of Butterfield Road and south of Blanchard Street;  
Roosevelt Road east of Chase Street;  
Roosevelt Road, east of Shaffner Road and west of Fapp Circle.

(2) Electronic Message Board Signs shall be allowed only for non-office commercial, government, school, park or church uses; and

(3) The sign area of an Electronic Message Board Sign must be included as part of the total square footage of a permitted ground sign, and shall not exceed 50 percent of the total square footage of a permitted ground sign; and

(4) Electronic Message Board messages shall be constant and not variable, with the message changes limited to no less than every 4 seconds; and

(5) When an Electronic Message Board message changes, the prior message shall disappear simultaneously with the appearance of the new message; and

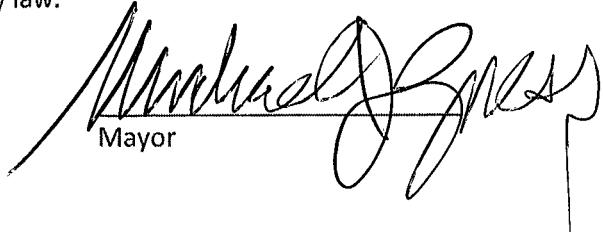
(6) Electronic Message Board Signs shall not cause illumination in excess of 0.05 foot candles at any property line in or adjoining a residential use; and

(7) Electronic Message Board Signs existing prior to October 18, 2005 and not in conformance with standards 1, 2, and 3 of this section shall not be subject to Article 23.5.4 of the City of Wheaton Zoning Ordinance."

**Section 5:** In all other respects, the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

**Section 6:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**Section 7:** This ordinance shall become effective form and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael Gresk  
Mayor

ATTEST:



Sean Bennett-Hayes  
City Clerk

Roll Call Vote

Ayes: Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilwoman Fitch

Nays: None

Absent: Councilman Barbier

Motion Carried Unanimously

Passed: November 5, 2018  
Published: November 6, 2018

(

(

(