

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

INITIATED: Planning & Development/Legal DATE: August 3, 2004  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AMENDING SIGN PROVISIONS", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance will make certain amendments to the sign ordinance.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SIGN PROVISIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~strikeout~~/underline; deletions by ~~strikeout~~):

**Section 1. That Section 28.201 is hereby amended to read as follows:**

**28.201 Definitions.**

For the purposes of this Zoning Ordinance, wherever any term is used in this Chapter, it shall have the same meaning as defined in Chapter 1 of the Downers Grove Municipal Code, unless otherwise defined in this Chapter. The following words and phrases shall have the meanings respectively ascribed to them as follows:

*Adult Entertainment Establishment or Adult Establishment.* Any of the following Commercial Establishments, as defined herein:

1. *Adult Cabaret.* Any Commercial Establishment including, but not limited to a lounge, theater, concert hall, men's or women's club, auditorium, or similar commercial establishment, regardless of its seating capacity that as a substantial or significant portion of its business features or provides any of the following:

- (i) Persons who appear Nude or Semi-Nude.
- (ii) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
- (iii) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (~~iii~~iv) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
- (iv) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
- (v) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.
- (vi) A role playing interaction.

2. *Adult Store.* Any Commercial Establishment (i) that contains one or more Adult Booths or; (ii) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials.

3. *Adult Theater.* Any Commercial Establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

*Aircraft landing area.* Any premises which are used or made available for the landing or takeoff of aircraft, including premises which are classified as a restricted landing area as contemplated by the rules and regulations promulgated by the Illinois Department of Transportation Division of Aeronautics, and including any appurtenant areas which are used or suitable for use for structures or facilities incidental to aircraft services.

*Aisle (parking).* That portion of a parking facility which acts as a maneuvering area to gain access

to a parking stall or to a parking structure.

*Alternative Telecommunications Tower.* A man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that render the facility aesthetically consistent with the character of the surrounding area and otherwise camouflage or conceal the presence of antennas or telecommunications towers.

*Amateur Radio Station Operators/Receive Only Antennas.* A telecommunications tower, or an antenna, that is under seventy (70) feet in telecommunications tower height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

*Animal Surgical Office.* An office for veterinary services permitting surgical procedures, consultations, patient visits, and boarding, which shall be limited to pre-surgical and/or post-surgical care, and to the care of infirmed animals.

*Antenna.* An exterior transmitting or receiving device, including any supporting post not more than twelve (12) feet in length, mounted on the ground or on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, micro waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

*Attention getting device.* A device such as a pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon, inflatable shapes, or similar device used to draw someone's attention to a particular place.

*Automobile Laundry.* An "automobile laundry" is a building, or any portion thereof, which either (i) contains facilities for washing of one or more automobiles primarily by means of steam cleaning, or high pressure water devices, or other mechanical devices, or (ii) provides space, water, equipment or soap for the complete or partial handwashing of more than 2 automobiles at any one time, whether by operator or customer.

*Automobile Service Station.* Any building or portion thereof, or any premises, used for dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered by an automobile service station may include the installation of tires, batteries, and minor accessories; minor automobile repairs; and greasing or handwashing of not more than 2 automobiles at any one time, but not by means of steam cleaning, high pressure water devices, or other mechanical devices. If such sales, services and repairs are offered incidentally to the operation of a public garage, the building and premises shall be classified as a public garage.

*Automobile Repair, Major.* The replacement and rebuilding of engines, transmissions, differentials, frames and bodies of motor vehicles.

*Automobile Repair, Minor.* Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "Auto Repair, Major."

*Automobile and Trailer Sales Area.* An open area, other than a street, used for the display and sale of new or used automobiles, trucks, or trailers, and where no repair work is done except for minor incidental repair of automobiles, trucks, or trailers to be displayed and sold on the premises.

*Automobile Wrecking.* The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts.

*Backhaul network.* The lines that connect a provider's telecommunications towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*Basement.* A story having part but not more than half of its height below grade. (Also see "cellar")

*Block.* That property abutting on one side of a street between two (2) nearest intersecting streets, railroad right-of-ways, or other natural barriers. Provided that where a street curves so that any two (2) chords thereof form an angle of one hundred twenty (120) degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

*Boarding house.* A building or premises where meals are regularly served by pre-arrangement

for definite periods for compensation for three (3) or more persons, but not exceeding twelve (12) persons, not open to transient guests, in contradistinction to hotels or restaurants open to transients.

*Buildable area.* The space remaining on a zoning lot after the minimum yard and open space requirements of this Zoning Ordinance have been met.

*Building.* Any structure with a permanent roof, separated on all sides from adjacent open space by walls, built for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

*Bulk.* The term used to indicate the size and setbacks of structures and location of same with respect to one another and includes the following:

- (a) Size and height of structures;
- (b) Location of exterior walls at all levels in relation to lot lines, streets, or to other structures;
- (c) Floor area ratio of buildings;
- (d) All yards and open spaces allocated to structures; and
- (e) Amount of lot area per dwelling unit.

*Business.* The engaging in the purchase, sale, barter, or exchange of goods, areas, or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises or the furnishing of services.

*Canopy.* A structure which is an overhanging shelter consisting of a roof and supporting vertical columns. Such structure may be freestanding without walls, or may project from the walls of a structure.

*Cellar.* A story having more than half of its height below the curb level or below the highest level of the adjoining ground. (Also see "basement")

*Certificate of Occupancy.* A certification issued by the Director as provided and required herein authorizing property or a structure to be occupied or used, in whole or in part, in conformance with this Zoning Ordinance.

*Church.* Wherever the term "church" is used, it shall include any church, synagogue, temple or other structure designed, intended and used primarily for religious worship or religious ceremony by an assembled group.

*Church School.* A school affiliated with and conducted on the same zoning lot or contiguous zoning lots as the Church to which it is affiliated.

*Community center.* A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or eleemosynary organization. The authorization for the establishment of a municipal community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.

*Concentrated Business District.* The Concentrated Business District includes the following areas:

- (a) The block bounded by Main Street, Forest Avenue, Franklin Street and Warren Avenue.
- (b) Frontage along the east side of Main Street from Franklin Street to Rogers Street.
- (c) The block bounded by Main Street, Highland Avenue, Rogers Street and Warren Avenue.
- (d) The blocks bounded by Main Street, Warren Avenue, Forest Avenue and Curtiss Street, and the blocks bounded by Main Street, Warren Avenue, Washington Street and Curtiss Street;
- (e) Beginning at a point on the south line of Curtiss Street, 465.52 feet west of Main Street; thence south 196.68 feet to a point at the southwest corner of Lot 55 of the Assessor's Subdivision of Section 8, Township 38 North, Range 11 east of the Third Principal Meridian, thence east along the south line thereof 245.52 feet; thence south to the south line of Grove Street; thence east along said south line to the northwest corner of Lot 1 of Hoefert's Subdivision of Lot 47 of the Assessor's Subdivision of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, thence south along the west line of Lots 1, 2, 3, and 4 of said Hoefert's Subdivision to the southwest corner of said Lot 4, thence east along

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the south line of said Lot 4 to the west line of Main Street; thence north along said west line of Main Street to the south line of Curtiss Street; thence west along the south line of Curtiss Street to the point of beginning; and

(f) Frontage along the east side of Main Street from the north line of Lot 20 in Assessor's Subdivision of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian to the south line of Grove Street, extended; and

(g) That part of Outlot 1 in Curtiss' Addition to Downers Grove as recorded as Document Number 7317 lying south of Lot 22 in Assessor's Subdivision of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian and lying west of Lot 18 in said Assessor's Subdivision; also, Lots 20, 21 and 22 in said Assessor's Subdivision; also that part of Lot 18 in said Assessor's Subdivision described by beginning on the north line of Maple Avenue at the southwest corner of Lot 18; thence North 1-1/2 degrees West along the west line of said Lot 18 a distance of 118.9 feet; thence North 77 degrees East a distance of 44.2 feet; thence South 4-3/4 degrees East a distance of 107.4 feet to the north line of said Maple Avenue; thence South 65-1/2 degrees West along said north line a distance of 54.2 feet to the place of beginning.

(h) Beginning at a point on the east line of Main Street at the intersection with the south line of Curtiss Street; thence south along said east line of Main Street to the south line of Grove Street, extended; thence east along said south line of Grove Street, extended, a distance of 380 feet east of the east line of Main Street; thence north along a line parallel to the east line of Main Street to the south line of Tract 2 of Albert P. Nelson's Assessment Plat, a part of Lot 52 of Assessor's Subdivision of Part of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded March 27, 1945 as Document 475345, in DuPage County, Illinois; thence easterly along the south line of said Tract 2 to the southeast corner of said Tract 2; thence continuing east along the extended south line of said Tract 2 to the west line of Washington Street; thence north along said west line of Washington Street to the south line of Curtiss Street; thence west along said south line of Curtiss Street to the point of beginning; and

(i) Beginning at a point on the northeast corner of the rights-of-way of Warren Street and Highland Avenue; thence east along the north right-of-way line of Warren Street, a distance of 154 feet, east of the east line of Highland Avenue; thence north a distance of 124 feet; thence east, a distance of 60 feet; thence north to the south right-of-way line of Rogers Avenue, thence west to the east right-of-way line of Highland Avenue; thence south to the point of beginning.

*Concentrated Business District compact development.* Structures located in the Concentrated Business District containing uses permitted in the district, but with a gross floor area greater than the maximum allowed for the permitted use.

*Concentrated Business District Re-Development Project.* A development involving residential units of not more than three bedrooms or a combination of commercial units and residential units of not more than three bedrooms which must be pursued as a Planned Development and located in the Concentrated Business District, and which involves the redevelopment through the construction of new buildings on vacant or underutilized parcels.

*Concentrated Central Area.* An area defined as commencing at southeast corner of the intersection of Gilbert Avenue and Carpenter Street and running thence southeasterly along the east line of Carpenter Street to the north line of Maple Avenue; thence easterly along the north line of Maple Avenue to the southeast corner of Lot 44 of Assessor's Subdivision of Sections 7 and 8, Township 38 North, Range 11 East of the Third Principal Meridian, to the point of beginning; thence southerly on a straight line to the northwest corner of Lot 2 of Blanchard Subdivision in the southwest quarter of Section 8, Township 38 North, Range 11 East of the Third Principal Meridian, also being the northeast corner of Lot 1 of Meadowcroft Resubdivision; thence continuing southerly along the easterly boundary of the aforementioned Blanchard Subdivision to the southwest corner of Lot 4 of said Blanchard Subdivision; thence easterly along the southerly line of said Lot 4 to the southeast corner of said Lot 4; thence northeasterly on a straight line to the southwest corner of Lot 36 of the aforementioned Assessor's

Subdivision; thence east along the south line of said Lot 36 a distance of 165 feet to the southeast corner of said Lot 36; thence northerly along the east line of said Lot 36 and the east line of Lot 6 in Curtiss Subdivision (Recorded as Document 29341) to the northwest corner of the Park District property; thence easterly along the most northerly line of the Park District property and its easterly prolongation to a point in the southerly prolongation of the west line of Lot 32 in said Curtiss Subdivision; thence southerly along said prolongation to a point being 150 feet northerly of the westerly prolongation of the south line of Lot 26 in said Curtiss Subdivision as measured along the said southerly prolongation of the west line of Lot 32; thence easterly along the said line being 150 feet northerly of the westerly prolongation of the south line of Lot 26 to a point in the east line of the west 92 feet of said Lot 26, said point being 150 feet northerly of the south line of Lot 26 as measured along the said east line of the west 92 feet of Lot 26; thence northerly along the said east line of the west 92 feet of Lot 26 to a point in the northerly line of Maple Avenue right-of-way; thence easterly along the north line of Maple Avenue to the west line of Washington Street; thence northerly along the west line of Washington Street to the center line of the St. Joseph Creek easement; thence easterly along the center line of St. Joseph Creek easement to the west line of Belden Place; thence northerly along the west line of Belden Place to the north line of Curtiss Street; thence easterly along the north line of Curtiss Street to its intersection with the east line of Mackie Place; thence northerly along the extension of the east line of Mackie Place to the intersection of said line with the south line of the Chicago, Burlington and Quincy Railroad right-of-way; thence westerly along the south line of said right-of-way to the west line of Washington Street; thence northerly along the west line of Washington Street to the south line of Rogers Street; thence westerly along the south line of Rogers Street to the west line of Highland Avenue; thence northerly along the west line of Highland Avenue to the south line thence westerly along the south line of Franklin Street to the east line of East Parkway; thence south along the east line westerly along the north line of said Lot 23 to the northwest corner thereof; thence southerly along the east lines of Lots 22 and 17, and the southerly extension of said Lot 17 (in said Block 3) to the south line of Warren Avenue; thence easterly along the south line of Warren Avenue to the northeast corner of Lot 13 in Block 1 of said E. H. Prince and Company's Addition; thence southerly along the east line of said Lot 13, and the southerly extension of said line to the south line of Gilbert Avenue; thence westerly along the south line of Gilbert Avenue to the place of beginning.

*Concentrated central area compact residential development.* Buildings for multiple-family dwellings within the Concentrated Central Area at a greater density and floor area ratio than allowed for permitted uses.

*Curb Level.* The level of the established curb in front of the structure measured at the center of such front. Where a structure faces on more than one (1) street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the Village Engineer shall establish such curb levels.

*Day care centers.* The term "day care centers" shall have the same meaning as contained in the Illinois Child Care Act as now or hereafter amended.

*Decibel.* A unit of measurement of the intensity of sound level.

*Director.* The Director of Planning Services of the Village of Downers Grove, or such person's designee.

*Displacement (vibration).* The amount of motion involved in a vibration.

*Drive-in; drive-through; or drive-up use.* An establishment which, by design, physical facilities, service or packaging procedures permits or encourages customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

*Dwelling.* A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family, two-family, and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

*Dwelling unit.* One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

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*Dwelling, attached single-family. (Group, Row, Townhouse)* A building originally designed and constructed to accommodate three (3) or more dwelling units, with dwelling units joined together by party wall or walls. Each unit shall have its own ground floor entrance and living space.

*Dwelling, detached.* A single-family dwelling entirely surrounded by open space.

*Dwelling, multiple-family.* A dwelling containing three (3) or more dwelling units, with one or both of the following:

- (a) More than one (1) dwelling unit connecting to a common corridor or entranceway; or,
- (b) Dwelling unit vertically connected to neighboring dwelling units through shared floors and ceilings.

*Dwelling, single-family.* A detached dwelling containing accommodations for and occupied by one (1) family only.

*Dwelling, two-family.* A dwelling containing two (2) dwelling units with each unit having its own ground floor entrance and living space.

*Educational institution.* Public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

*Efficiency unit.* A dwelling unit consisting of one (1) room containing a minimum area of four hundred (400) square feet, exclusive of bathroom, kitchen, hallway or closets directly off the principal room.

*Exempt Telecommunications Facilities.* The following:

- a. Amateur radio station operators/receive only antennas.
- b. Receive only television, direct broadcast satellite and wireless cable antennas not more than one (1) meter in diameter which may be located on posts not more than twelve (12) feet in length.

*Exercise of religion.* Exercise of religion means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

*Extended family accessory housing.* A single-family dwelling which has been constructed or converted as two separate dwelling units to provide for joint occupancy of the dwelling in the separate dwelling units by persons related to one another by blood, marriage, or adoption with at least one of the units being occupied by a person sixty-two (62) years of age or older or by a person with a proven physical or mental condition, excluding drug addiction, alcoholism, or similar chemical dependency or substance abuse condition, which renders such joint occupancy of the single-family dwelling medically necessary, beneficial or desirable. The two (2) separate dwelling units shall be designated as follows:

- (a) A primary unit, which shall be that portion of the extended family accessory housing dwelling which is the primary housing dwelling, and which is not part of the accessory unit; and
- (b) An accessory unit, which shall be that portion of the extended family accessory housing dwelling which is in addition to and separate from the primary unit, and which is a dwelling unit composed of one or more rooms including complete, permanently installed kitchen and bath facilities.

*FAA.* The Federal Aviation Administration.

*FCC.* The Federal Communications Commission.

*Fairview Concentrated Business District.* Frontage along Fairview Avenue from Maple Avenue to Burlington Avenue.

*Family.* An individual, or two (2) or more persons related by blood, marriage, or adoption and/or a group of not more than three (3) unrelated persons living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.

*Farm, crop.* An area on more than one (1) acre which is used for the growing of the usual farm crops such as vegetables, fruit trees, and grain, and for the packing and storage of the products produced on the premises, but not including the raising of farm animals or laboratory animals such as mice, rats, rabbits, etc.

*Fence, open design.* Fences which (i) are of split-rail, post and board, or similar designs which do

not create a hazard by obstructing or distorting vision, except that chain link and woven mesh fences are not included as such similar designs; and (ii) have no vertical members with a width in excess of six (6) inches; and (iii) have a ratio of open area to closed area of at least 1:2, with the open area distributed uniformly over the entire fence surface.

*Floor area, gross.* The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall include basement and cellar floor areas; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouse; attic space having headroom of seven (7) feet ten (10) inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in floor area.

*Floor area, livable.* Livable floor area shall be the same as "gross floor area" defined above, excluding all areas occupied by cellars, garages, porches, attics, stairways, and storage, utility and heating rooms.

*Floor area ratio.* The floor area of the building or buildings on a zoning lot divided by the area of such zoning lot, or in the case of planned developments, the floor area divided by the net site area.

*Foot candle.* A unit of illumination intensity.

*Frequency.* The number of oscillations per second in a sound wave - an index of the pitch of the resulting sound.

*Frontage.* All the property fronting on one side of a street between the nearest intersecting streets, or between a street and right-of-way, waterway, or other similar barrier.

*Garage, Private.* A detached accessory building or portion of the main building designed, arranged, used or intended to be used by the occupants of the premises for the storage of passenger automobiles and commercial vehicles not exceeding 1 1/2 tons capacity.

*Garage, Public.* A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding 1 1/2 tons capacity.

*Garage, Truck.* A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding 1 1/2 tons capacity.

*Group home.* A single-family dwelling owned and operated by a governmental, religious or other not-for-profit agency and occupied by persons who do not constitute a family as defined herein, but who will have a cooperative living arrangement. Group homes shall include, but not be limited to residential-care homes as defined herein, but shall not include living quarters which serve persons as an alternative to incarceration for a criminal offense.

*Height.* The vertical distance from the established average grade at the front of a structure to the highest point of the structure. In the case of a building, this shall be the vertical distance from the established average grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled, and gambrel roofs.

*Home occupation.* An occupation carried on in a dwelling by a resident thereof which is incidental to the principal use as a residence.

*Hospital.* An institution consisting of one or more buildings or structures primarily devoted to the diagnosis, prevention or treatment of illness, disease, injury, deformity or other abnormal physical or mental conditions. The term "hospital" may include such services, equipment and activities as may from time to time be customarily included at such institutions for outpatient and inpatient care. This may include, but is not limited to the following as accessory uses: general medical, surgical care; cardiovascular care; perinatal, neonatal or obstetrics care; skilled nursing care; diagnostic, interventional, therapeutic, rehabilitative services or geriatric care; oncology services; diagnostic imaging centers; medically oriented health, fitness or wellness centers; surgical centers; emergency and trauma centers;

heliports; medical offices; community health programs; sports medicine services; and health, wellness libraries and worksite health promotions. The term "hospital" shall not include convalescent or nursing homes, sheltered care facilities or boarding houses.

*Hotel.* A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradiction to a boarding house, a lodging house, or an apartment hotel.

*Hotel, apartment.* A hotel in which at least ninety percent (90%) of the accommodations are occupied or intended for occupancy by permanent guests.

*Improvement Location Permit.* A permit issued by the Director as provided and required herein authorizing the erection, reconstruction, or structural alteration of a structure.

*Inner court.* All open, unoccupied spaces surrounded on all sides by walls or by walls and a lot line or lines.

*Institution.* A structure occupied by a nonprofit corporation or a nonprofit establishment for public use.

*Junk yard.* The use of more than two hundred (200) square feet of any lot where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including vehicle and structure wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

*Junker.* An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable, or such a vehicle which does not comply with State or Village vehicle laws or ordinances.

*Kennel.* Any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

*Laboratory.* A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included within this definition.

*Landbank Area.* The area south of Gilbert Street, north of Curtiss Street, east of Forest Avenue and west of Carpenter Street.

*Landbank Development.* A residential townhouse development when pursued as a Planned Development and involving more than 1.5 acres of land and located in the Landbank Area.

*Landscaped green space.* An area of land on which has been located grass, living groundcover, shrubs, trees, flowering plants, annuals, perennials, and water areas, but not including synthetic plants or surface materials, walks, open terraces or patios, decorative walls, fences or other similar features.

*Loading space, off-street.* An open, hard-surfaced area of land, other than a street or alley, the principal use of which is for the standing, loading, and unloading of motor vehicles, to avoid undue interference with the public use of streets and alleys.

*Lodging house.* A building where sleeping and living quarters, without cooking facilities, and with or without an individual bathroom, are rented on a weekly or monthly basis. Each room in a lodging house which provides sleeping accommodations shall be considered a dwelling unit for the purposes of lot area requirements, and a lodging unit for the purposes of off-street parking requirements.

*Lot, zoning lot or parcel.* A lot of record, an unsubdivided parcel of land, or a combination of contiguous parcels or lots under common ownership or control, used or intended to be used for a single principal use.

*Lot coverage.* Area of zoning lot occupied by the principal and accessory structure or structures.

*Lot depth.* The mean horizontal distance between the front and rear lot lines.

*Lot of record.* A lot which is part of a real estate subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois, pursuant to statute.

*Lot width.* The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front setback line.

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*Lot, corner.* A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street two (2) chords of which form an angle of one hundred twenty (120) degrees or less measured on the lot side.

*Lot, double frontage.* A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

*Lot line, front.* The boundary of a lot abutting on a street. On a corner lot, the shortest street lot line shall be the front lot line; provided, however, that if the length of the longer street lot line of a corner lot is not more than ten percent (10%) greater than the length of the shorter street lot line on such lot, the Director, shall, upon written request of the owner, designate the longer of such street lot lines as the front lot line for all purposes of this Zoning Ordinance.

*Lot line, rear.* The lot line or lot lines most nearly parallel to and most remote from the front lot line.

*Lot line, side.* Lot lines other than front or rear lot lines are side lot lines.

*Lounge.* An area within a restaurant which is licensed by the Village for the sale of alcoholic liquor which is accessory to the restaurant use, includes a bar and the open area immediately adjacent thereto, and may include stools, seats and tables with a diameter of less than two (2) feet or an area of less than four (4) square feet.

*Motels.* A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking spaces conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses.

*Nonconforming structure.* A structure or portion thereof which, as currently existing, is not in conformance with the provisions of this Zoning Ordinance. A structure which was lawfully established or existing, but which was rendered non-conforming as a result of an amendment to this Zoning Ordinance shall be considered a lawful nonconforming structure until such time as such lawful nonconforming status is terminated as provided in this Zoning Ordinance.

*Nonconforming use.* A use which, as currently conducted, is not in conformance with the provisions of this Zoning Ordinance. A use which was lawfully established or existing, but which was rendered non-conforming as a result of any amendment to this Zoning Ordinance shall be considered a lawful nonconforming use until such time as such lawful nonconforming status is terminated as provided in this Zoning Ordinance.

*Odorous matter.* Material which is gas, liquid or solid that causes an odor sensation to a human being.

*Outdoor café.* An outdoor seating area in which food and beverages are served and consumed.

*Owner.* The fee title holders of property, including such persons designees and agents.

*Parking Space, Automobile, Exterior.* Space within a public or private parking area of not less than 166.5 square feet (9 feet by 18.5 feet) for Class A parking as provided in section 28-1410, and 157.25 square feet (8.5 feet by 18.5 feet) for Class B parking as provided in section 28-1410, exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1 1/2 tons capacity. Such space shall have a vertical clearance of at least 7 feet.

*Parking Space, Automobile, Interior.* Space within a public or private underground, covered or decked parking area of not less than the length and width requirements set forth in Section 28-1405, exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1 1/2 tons capacity.

*Particulate matter.* Finely divided solid or liquid matter other than water which is released into the atmosphere.

*Permanent common open space.* Property under common ownership used for parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas in public ownership or common ownership and subject to the provisions of restrictive covenants, if

any, required or approved by the Village Council, but shall not include space devoted to structures, public rights-of-way or areas improved for use as private drives or parking facilities.

*Plan Commission.* The Downers Grove Plan Commission.

*Planned development.* A tract of land which is developed as a unit under single or multiple ownership or control, containing one (1) or more principal structures, and containing minimum acreage as specified in the provisions relating to the several zoning districts.

*Planned development plan.* The plans and other documents setting forth the land uses and restrictions of a planned development. This may include, but is not limited to, documents commonly referred to as the site plan, elevation drawings, landscape plan, and engineering plans.

*Planned redevelopment.* A tract of land in the Concentrated Central Area involving the redevelopment or rehabilitation of multiple-family residential property and which includes either demolition and redevelopment, or rehabilitation of existing structures or improvements, or a combination of both.

*Preexisting Telecommunications Towers and Preexisting Antennas.* Any telecommunications tower or antenna for which a building permit or conditional use has been properly issued prior to August 1, 1997, including permitted telecommunications towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*Pump island.* A concrete structure in the immediate vicinity of and designed to support and protect gasoline pumps.

*Railroad right-of-way.* A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

*Recreational equipment.* Any snowmobile or all-terrain vehicle (as that term is defined in the Illinois Motor Vehicle Code), and any watercraft including personal watercraft and specialty prop-craft (as those terms are defined in the Illinois Boat Registration and Safety Act), and the trailers used to transport or store such recreational equipment.

*Recreational vehicle.* Any camping trailer, motor home, mini-motor home, travel trailer, truck camper and van camper as those terms are defined in the Illinois Motor Vehicle Code, or any other habitable vehicle used primarily for recreational purposes.

*Recycling collection facility.* A facility, limited to a building, trailer, vehicle or completely closed containers of wood, metal or masonry, designed for the purpose of receiving articles or materials which are to be transported to another location for distribution or processing, which may or may not be the principal use on the zoning lot where located. Provided, the term "recycling collection facility" as used in this Zoning Ordinance shall not include facilities located within a structure principally devoted to another use, facilities temporarily located on a zoning lot under authority of a temporary uses, and facilities for collecting used motor oil which are necessary to an automobile service station.

*Rest home or nursing home.* A rest home or nursing home is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for treatment of disease or injury.

*Ringelmann chart.* A chart described by the U.S. Bureau of Mines Information Circular 6888 and upon which are illustrated graduated shades of gray for use in estimating the light obscuration of smoke.

*Ringelmann number.* The next lowest shade number on the Ringelmann Chart which most nearly corresponds to the light obscuration of the smoke being measured. For example, smoke capacity lying between No. 1 and No. 2 shades of gray on the Ringelmann Chart shall be measured as Ringelmann No. 1 smoke.

*School.* An institution which offers instruction in any of the branches of learning and study as taught in the public schools under the Illinois School Code, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business or commercial schools.

## Sign Ordinance

*Senior citizen housing.* A multiple-family dwelling designed for occupancy by the elderly which means a dwelling:

- (a) Intended for, and solely occupied by persons sixty-two (62) years of age or older; or
- (b) Provided under any state or federal housing subsidy program for elderly persons (as defined in any such program); or
- (c) Intended for and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit, provided such senior citizen housing facility shall:

(1) Provide significant facilities and services specifically designed to meet the physical or social needs of elderly persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(2) Have at least eighty percent (80%) of its units occupied by at least one person fifty-five (55) years of age or older per unit, or if less than eighty percent (80%) of such units are so occupied, not less than eighty percent (80%) of such units shall be reserved for occupancy by persons fifty-five (55) years of age or older; and

(3) Publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

(d) Senior Citizen Housing shall be processed and require approval as a residential planned development.

*Service bay.* An area situated entirely within a building which is required to store and service one automobile.

*Setback.* A minimum required front yard, as specified for the respective zoning districts, within which no structure or parts of structures shall be erected, altered or maintained except as authorized herein.

*Shed.* An accessory building storage to be utilized for the comfort, convenience or necessity of the occupants of the principal structure on the lot upon which the shed is located.

*Sheltered care facility.* A private home which provides personal assistance, meal preparation, supervision, oversight, and a suitable activity program for the care of the aged or infirm who need such assistance in daily living, but do not need full-time nursing care.

*Sign.* A sign is a structure consisting of tangible material that includes, contains, or is designed to include or contain, a display or illustration of any letters, words, numbers, objects or symbols, or any combination thereof, which is affixed to, suspended from, placed upon or otherwise represented directly or indirectly upon a building or other structure, or upon the ground, which is intended to direct attention to an object, product, place, activity, person, institution, organization or business; provided that any such structure that is related directly to a national holiday shall not be deemed to be a sign for the purposes of this Article.

*Sign, Advertising off premises.* A sign that directs attention to a business, product or activity available or conducted, at a location other than the zoning lot upon which such sign is located or that directs attention to a noncommercial message or idea not directly related to an activity conducted on such zoning lot. Village sponsored banners located in an established business district and advertising located on Village-owned vehicles shall not be considered advertising off premises signs.

*Sign, awning.* A sign located on a structure made of cloth, metal, or other material attached to a structure, such structure being erected so as to permit its being raised or retracted to a position against the structure when not in use.

*Sign, billboard.* See freestanding and wall sign.

*Sign, Building Identification.* A non-illuminated or indirectly illuminated sign, either freestanding or affixed to a building, that states only the name or address, or both, of a multi-family building.

*Sign, Business.* A sign that directs attention to a business or profession conducted upon or to a commodity, service or entertainment sold or offered upon the zoning lot upon which sign is located.

*Sign, canopy.* A sign located on a structure, other than an awning, made of cloth, metal or other

material with frames attached to a building, and supported by a frame or other device placed upon or affixed to the ground or sidewalk.

*Sign, Changeable Copy.* A sign whereon provision is made for letters or characters to be placed in the sign or upon the surface area of the sign, either manually or electronically to provide a message or picture.

*Sign, contractor.* A contractor's sign is a sign placed by a contractor engaged in construction activities for a limited period of time on a certain zoning lot or lots for the purpose of identifying the work of the contractor.

*Sign, developer's temporary.* A non-illuminated, on premises, freestanding sign that supplies information concerning the development in which the sign is located. In residence districts, this includes pennants used in conjunction with residential development to attract attention to and promote such development.

*Sign, directly illuminated.* A sign having its characters, letters, figures, designs, or outlines illuminated by any source of artificial lighting that is located on or within the perimeter of such sign.

*Sign, Exterior Rate.* Any sign that is attached to a freestanding or wall sign, and that consists of words, numbers, or figures that describe rates, prices or any similar information.

*Sign, flashing.* A directly or indirectly illuminated sign with a source of artificial light that is not maintained stationary or constant in intensity or color at all times when such sign is illuminated, or if any portion of such illuminated sign revolves or otherwise moves. For the purpose of this Zoning Ordinance, any sign that indicates the time, temperature, date or other similar information shall not be considered to be a flashing sign, provided the surface area of such sign does not exceed 24 square feet and further provided that no letter or number appearing on such sign exceeds 24 inches in height.

*Sign, freestanding.* A sign that is completely or principally self-supported by posts or other supports independent of any other structure and anchored in or upon the ground. This term also includes those signs commonly known as ground signs, pole signs and lawn signs.

*Sign, indirectly illuminated.* A sign having its characters, letters, figures, designs, or outlines illuminated entirely by its own source of artificial light located outside the perimeter of such sign.

*Sign, inflatable.* Any inflatable animal, character or shape used for drawing attention to a business.

*Sign, marquee.* A sign located on any hood of permanent and stationary construction projecting from the wall of a structure, but not supported by the ground or sidewalk, such hood serving the purpose of providing shelter and protection from the weather and providing the location for an illuminated sign surface. A structure facade which extends over the public right-of-way and is not primarily used as the location for a sign shall not be considered to be a marquee.

*Sign, moving.* Any sign that rotates or moves or that gives the visual impression of rotating or moving.

*Sign, Nameplate.* A sign, of a design other than freestanding, that sets forth only the name or address, or both, of a building, or the practice of an occupation therein.

*Sign, ornamental entry gate.* A freestanding, non-illuminated or indirectly illuminated sign that sets forth the name of a subdivision or planned unit development. In manufacturing districts, such signs may also contain a listing of the names and addresses of the businesses or industries within the planned unit development or subdivision.

*Sign, political campaign.* Signs or posters announcing or describing candidates seeking public political office or announcing or describing political issues and data pertinent thereto.

*Sign, projecting.* A sign which is attached to a structure wall, with the sign faces perpendicular to such wall.

*Sign, public hearing notice.* A sign posted by the Village which is intended to provide notice of a public hearing or meeting concerning a proposed rezoning, planned development or subdivision for the property on which the sign is posted.

*Sign, Real Estate.* A sign used or intended for use for purposes of advertising a parcel of land or

a building that is or will be available for sale or lease.

*Sign, roof.* A sign erected, constructed, or maintained in whole or in part upon the roof of a structure.

*Sign, surface area.* The entire area within a single continuous perimeter enclosing the extreme limits of a sign, exclusive of any structure or framing elements. For projecting or double-faced signs, only one display face shall be measured in computing the surface area if the sign faces are parallel or if the interior angle formed by such faces is 90 degrees or less. For purposes of this Article, any determination by the Director of the surface area of a sign shall be binding and conclusive upon all parties.

~~*Sign, temporary external.* A sign of a portable nature, not permanently affixed to a structure or the ground; or an attention getting device, provided that pennants used in conjunction with residential development shall be excluded from the definition of temporary external signs established herein.~~

~~*Sign, temporary.* An exterior sign designed and intended for a temporary period of posting; typically constructed from non-durable materials such as paper, cardboard, vinyl, cloth, plastic and/or wallboard and which does not constitute a structure subject to the Village's building or zoning codes.~~

*Sign, under canopy.* A sign suspended beneath a canopy or marquee and generally intended to attract pedestrians.

*Sign, vehicle.* Any advertising or business sign attached to a motor vehicle that is parked or placed in a position for the purpose of displaying such sign to the public. The vehicle must be licensed, insured and operable. The vehicle may not remain stationary, must be used for the operation of the business and may not be used solely to display signage for the business.

*Sign, wall.* A sign attached directly to the wall of a structure with the sign face being effectively parallel to the wall and projecting not more than 12 inches from such wall or a sign painted on the wall of a structure.

*Sign, window.* A sign that is visible from the exterior of a structure and that is permanently painted on a window, or hung immediately behind a window, or displayed from a window for the specific purpose of identifying the proprietor or name of business to the passerby.

*Smoke.* A visible discharge from a chimney, stack, vent, exhaust or combustion process which is made up of particulate matter.

*Stormwater Control Ordinance.* Chapter 26 of the Downers Grove Municipal Code entitled "Stormwater and Flood Plain Ordinance", as now or hereafter amended.

*Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

*Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. This includes but is not limited to, buildings, freestanding signs, back stops for tennis courts, canopies and awnings, pump islands, at- or above- grade walkways, swimming pools, antennae, and pergolas.

*Structure, accessory.* A structure which:

- (a) is subordinate to and serves a principal structure; and,
- (b) is subordinate in area, extent, and purpose to the principal structure; and,
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal structure.

*Structural alterations.* Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, excepting such alterations as may be required for the safety of the structure.

*Structure, principal.* A structure, other than an accessory structure, in which is conducted a principal use of the zoning lot on which it is located.

*Subdivision Ordinance.* Chapter 20 of the Downers Grove Municipal Code entitled

"Subdivisions", as now or hereafter amended.

*Telecommunications Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

*Telecommunications Tower Height.* The distance measured from the finished grade of the parcel to the highest point on the telecommunications tower or other structure supporting an antenna, including the base pad and any antenna.

*Temporary use.* An activity permitted on a limited basis pursuant to Chapter 8 of the Downers Grove Municipal Code.

*Terrace, open; patio.* A level plane or platform which, for the purpose of this Zoning Ordinance, is located adjacent to one (1) or more faces of the principal structure and which is constructed not more than four (4) feet in height above grade.

*Three-component measuring system.* An instrument or complement of instruments which records earthborn vibrations simultaneously in three (3) mutually perpendicular directions. Such systems shall be subject to the approval of the Director.

*Toxic or noxious matter.* Materials which may be gas, liquid or solid which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

*Trailer.* A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Village Building Code.

*Trailer House or Mobile Home.* Any trailer as defined herein used for residential purposes, but excluding travel trailers.

*Travel Trailer.* A trailer designed to be used only as a temporary dwelling for travel, recreational and vacation use, and not exceeding 8 feet in width.

*Use, accessory.* A use which is subordinate in its scope, intensity and purpose to a principal use.

*Use, principal.* The purpose for which land or a structure thereon is designed, arranged, or intended, or for which it is occupied, maintained or leased.

*Use, exceptional.* A use which, although not designated as a permitted use or a special use in a particular district, may be established and maintained as authorized by the Village Council as part of a planned development in conformance with the regulations of this Zoning Ordinance.

*Use, permitted.* A use which is designated as a permitted use and may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and use restrictions, if any.

*Use, special.* A use which is designated as special use and may be lawfully established in a particular district in conformance with the regulations of this Zoning Ordinance governing special uses, provided it conforms with all requirements, regulations, and use restrictions, if any.

*Vibration.* A periodic displacement of the earth measured in inches.

*Walkways, At- or Above-grade Covered.* Covered structures for pedestrian access, connecting structures on two (2) adjacent lots.

*Yard.* An open space on the same zoning lot with a principal structure or group of structures which is unoccupied and unobstructed from its lowest level upward except as otherwise permitted in this Zoning Ordinance and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

*Yard, front.* A yard extending across the full width of the zoning lot and lying between the front lot line and the front line of the structure located on the lot.

*Yard, rear.* A yard extending across the full width of the zoning lot and lying between the rear

line of the structure located on the lot and the rear lot line.

*Yard, side.* A yard extending along the side lot line between the front and rear yard.

*Yard, transitional.* A yard which is required to be provided on certain zoning lots in business or manufacturing districts by reason of the fact that such lots are abutting or adjacent to residential districts.

*Zoning Board of Appeals.* The Downers Grove Zoning Board of Appeals.

*Zoning map.* The map designating the zoning districts in Downers Grove and adopted by reference in this Zoning Ordinance.

**Section 2. That Section 28.1204. is hereby amended to read as follows:**

**28.1204. Nonconforming signs.**

(a) ~~With the exception of advertising signs, a~~ Any sign that has been erected, constructed or placed in its location and that is being used as of July 1, 1985, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and ordinances of the Village pertaining to signs that were in effect immediately prior to such date and thus shall be considered lawful nonconforming signs.

(b) Any sign that is non-conforming because it fails to comply with the provisions of this Article may be repaired, restored or reconstructed when required by applicable statute, ordinance or regulation provided that, notwithstanding any provisions of this Zoning Ordinance to the contrary, no such non-conforming sign shall be altered structurally, extended or enlarged, in whole or in part, unless such sign as so altered, extended or enlarged shall conform with the provisions of this Article.

(c) The owner on July 1, 1985, of any sign that is nonconforming because it fails to comply with the provisions of this Article (provided that such owner has registered his ownership of the sign with the Code Services Department on or before January 1, 1986) may alter the colors, letters, words, numbers, objects or symbols appearing thereon, without being required to make the sign comply with the provisions of this Article. No other person shall alter any nonconforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon), unless such sign as so altered shall conform with the provisions of this Article. The occurrence of any one or more of the following events shall constitute a change in ownership of a nonconforming sign which shall extinguish the right to alter the face or message on such sign without making the sign comply with the provisions of this Article:

(1) For an owner who is a sole proprietor, the sale, lease, gift, bequest or other transfer of the sign or the business utilizing the sign to another individual, a partnership or a corporation with shareholders in addition to such individual.

(2) For an owner that is a general partnership:

(i) The sale, lease or other transfer of the sign or the business utilizing the sign to an individual, another partnership or a corporation other than a partnership or corporation whose partners or shareholders are the same as the general partners; or

(ii) A change in the pro rata ownership of partnership assets which result in a change in the majority (over 50%) ownership of the partnership assets or creates a majority ownership.

(3) For an owner that is a limited partnership:

(i) The sale, lease or other transfer of the sign or the business utilizing the sign to an individual, a general partnership, or another limited partnership or a corporation, other than a partnership or corporation whose partners or shareholders are the same as in the limited partnership owning the sign or the business utilizing the sign, on July 1, 1985; or

(ii) A change in the pro rate ownership of partnership assets which results in a change in the majority (over 50%) ownership of the partnership assets or creates a majority ownership.

(4) For an owner that is a corporation:

(i) The sale, lease or other transfer of the sign or the business utilizing the sign to an individual, a general or limited partnership or a corporation other than a partnership or corporation whose partners or shareholders are the same as in the corporation owning the sign on July 1, 1985; or

(ii) A change in the pro rate ownership of corporate assets which results in a change in the majority (over 50%) ownership of the corporate assets or creates a majority ownership.

(ed) Any advertising ~~off premises sign or roof sign~~ that has been erected, constructed or placed in its location and that is being used as of ~~June 28, 1982~~ September 1, 2004, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and ordinances of the Village pertaining to signs that were in effect prior to such date. Any such sign that is nonconforming because it fails to comply with the provision of this Article relating to advertising signs, shall be brought into compliance with all applicable provisions of this Article within a period of ~~three (3) years~~ one (1) year from ~~June 28, 1982~~ September 1, 2004; thereafter, all such nonconforming signs shall be deemed unlawful and shall be removed.

**Section 3. That Section 28.1502. is hereby amended to read as follows:**

**28.1502. General requirements.**

All signs shall comply with the following requirements unless otherwise provided:

(a) *Location.*

(1) Signs shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which such lot is located unless otherwise specified in this Ordinance. All signs located on corner lots shall comply with Section 28-1102.

(2) When a business or service is denied direct access to a public street, signs directing traffic to such business or service may be located off of the premises at the point of access. Such signs shall be calculated in the total sign area and shall be subject to sign requirements for the zoning district.

(3) No sign shall be attached to any tree, fence, or public utility pole, other than authorized signs installed by public utilities or governmental bodies.

(b) *Electrical requirements.* Electrical components, connections, and installations of all signs shall comply with all applicable ordinances and regulations of the Village. In no case shall electrical wiring be exposed to the view of, or access by, the public.

(c) *Wind pressure and load requirements.* All permanent exterior signs shall be designed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area.

(d) *Gooseneck reflectors and lights.* Gooseneck reflectors and lights shall be permitted on permanent freestanding signs, wall signs, and projecting signs and roof signs. Provided, any such reflectors or lights shall be installed so that the direct rays of the reflectors or lights are concentrated on the sign and are directed, shielded or otherwise constructed so as to avoid any glare on the adjacent street or adjacent properties.

(e) *Illumination and movement.*

(1) The light from every illuminated sign shall be shaded, shielded or directed so that direct or indirect illumination therefrom, measured at any lot line adjacent to a residential district, will not exceed 0.1 foot candles. In no case shall the lighting intensity of any sign exceed two hundred and fifty (250) foot Lamberts measured with a light meter having an accuracy rating determined by regulation of the Director.

(2) Flashing signs, flashing or moving lights or parts on signs, and reflective pennants are prohibited, except that signs that exhibit time, temperature, date or other similar information, ~~and search lights approved by the Director as a temporary sign are permitted.~~

(3) No exposed reflective type bulb, fluorescent or incandescent lamp shall be used in any sign in any sign unless it is 15 watts or less. Provided, this section shall not apply to neon bulbs, lighting or tubing.

(4) Exterior signs containing exposed gas tubing, including but not limited to Argon and Neon, are prohibited. Outlining structures or premises by use of exposed neon tubing, strings of lights, or by any similar method is prohibited.

(5) Except as otherwise provided in this Article, signs that move or have moving parts are prohibited, whether or not such signs are illuminated.

(f) *Projection.*

(1) No sign that is affixed to a structure shall project more than twelve (12) inches into a required setback or required yard or such further distance as may be approved as a variation by the Plan Commission pursuant to this Zoning Ordinance on the basis of considerations of safety to pedestrian and vehicular traffic.

(2) No sign shall project into the normal line of vision of any motor vehicle in a public street within one hundred and fifty (150) feet of a traffic signal, or at a street or railroad intersection, and no sign visible from the street shall contain the words "danger" or "stop" or otherwise simulate any traffic sign or signal erected by any governmental body.

(g) *Maintenance.* All signs shall be properly maintained which includes but is not limited to; no broken or missing parts, no rust or oxidation, no faded or chipped paint, and no similar conditions of disrepair. Failure to properly maintain any sign in the Village shall constitute a violation of this section. If the Director finds that any sign has not been properly maintained in accordance with this section, he shall give written notice of such violation to the owner or occupant of the premises upon which such sign is located. Such notice shall describe the violation and provide a reasonable period of time within which to remedy the deficiency. Failure to remedy the deficiency shall constitute a continuing violation of this section with each day after the expiration of the time period provided in the written notice constituting a separate offense.

(h) *Area.* Unless specifically excepted in this Ordinance, the surface area of all signs on a zoning lot located within an area classified for business or manufacturing purposes shall be counted in determining the area of signage permitted on such zoning lot.

(i) *Post Event Removal of Temporary Signs.* All temporary signs shall be removed by the person or organization who erected or caused the erection of the same not less than three days after the date of the event to which they relate, or the maximum period for which such sign is allowed, whichever comes first.

**Section 4. That Section 28.1503. is hereby amended to read as follows:**

**28.1503. Advertising off premises signs.**

~~Advertising signs shall be freestanding signs and, except as otherwise expressly provided, shall meet all requirements of this Article which are applicable to freestanding signs. No advertising off premises signs shall be permitted in the Village.~~

**Section 5. That Section 28.1505. is hereby amended to read as follows:**

**28.1505. Developers' temporary signs.**

(a) Developers' temporary signs shall be non-illuminated, on premises, freestanding signs and shall comply with the following requirements:

(1) There shall be no more than one such sign in each subdivision or planned unit development of twenty (20) acres or less. One additional sign may be added for each additional twenty (20) acres in such subdivision or planned unit development in excess of twenty (20) acres, but in no event shall more than a total of five (5) such signs be permitted.

(2) One (1) square foot of sign surface area shall be permitted for each foot of street frontage. The maximum sign surface area of each such sign shall not exceed one hundred and fifty (150) square feet.

(3) In a residential district, no such sign shall be located closer than fifteen (15) feet to any adjacent zoning lot not owned or otherwise controlled and in the possession of the developer.

(4) Such signs may promote and describe only the sale or rental of land or structures in the subdivision or planned unit development.

(b) ~~In residence districts, pennants shall be permitted for the purpose of attracting attention to or promoting a residential subdivision or the residential portion of a planned unit development subject to the following requirements:~~

~~(1) Pennants shall be displayed only on the zoning lot on which the model homes for the subdivision are located.~~

~~(2) The developer shall take all necessary action to assure that pennants are replaced if they are torn down or become weather beaten to protect the environment and physical appearance of the neighborhood. No pennants shall be permitted.~~

(c) No developers' temporary sign may be maintained in a subdivision or planned unit development for a period exceeding three (3) years from the date of recording of the plat of such subdivision or the granting of final approval of such planned unit development. Upon petition, the Director may authorize the continuation of such sign for additional consecutive periods of one (1) year each.

**Section 6. That Section 28.1509. is hereby amended to read as follows:**

**28.1509. Roof signs/Inflatable Signs.**

No roof sign or inflatable signs shall be permitted within the Village unless the Director has received certification from a registered structural engineer or licensed architect that the roof on which a roof sign is to be located is able to support the additional load of such sign.

**Section 7. That Section 28.1510. is hereby amended to read as follows:**

**28.1510. Temporary signs.**

(a) This subsection shall regulate all temporary ~~external~~ signs exclusive of all such signs as are specifically described and regulated in other Sections of this Article. Attention getting devices are prohibited unless allowed as a temporary ~~external~~ sign under this Section.

(b) Temporary ~~external~~ signs may be permitted for promotions of special community activities, special business or commercial events such as grand openings or sales, or extraordinary activities of nonprofit organizations.

(c) A permit shall be obtained from the Director for all temporary ~~external~~ signs. Permits shall be limited to a minimum of three (3) days and a maximum of fourteen (14) days. For any zoning lot, the total number of days for which temporary ~~external~~ sign permits can be issued shall not exceed sixty (60) days per calendar year.

(d) No more than one temporary ~~external~~ sign shall be permitted on a zoning lot at any one time; provided, that zoning lots that front on two (2) or more streets may have one such sign for each street frontage. Such signs shall not be included in computing the total sign surface area of the zoning lot.

(e) Temporary ~~external~~ signs shall comply with all other applicable provisions of this Article unless otherwise specified.

**Section 8. That Section 28.1516. is hereby amended to read as follows:**

**28.1516. Exemptions from permit requirement.**

Except as otherwise provided in this section, the following types of signs shall be exempt from the permit and permit fee requirements of this Article; such signs shall, however, conform to all other applicable requirements of this Article:

(a) *Contractor's signs.* No more than one contractor's sign shall be allowed for each street frontage of the property for which such sign is proposed. Each such sign shall be no more than 36 square feet in surface area. The content of such sign shall be limited to naming the contractors engaged in the construction on the property where the sign is located or to the name and business of the company which

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shall occupy the site. Signs shall be removed at the time of issuance of an occupancy permit, and shall not be erected until a building permit is issued for the property. The maximum height of such sign shall be ten (10) feet. Contractor's signs are not included when calculating total sign surface area on a zoning lot.

(b) *Noncommercial signs in residential districts.*

(c) *Public hearing notice signs.* Public hearing notice signs shall be permitted and erected by the Village on property which is the subject of a public meeting or hearing on proposed rezonings, planned developments, and subdivisions for such property. Such sign shall be three (3) feet by three (3) feet and shall not exceed six (6) feet in height. The content of such sign shall include, but not be limited to the time, place, date and nature of the hearing or meeting, and a telephone number to call for further information. A setback of at least five (5) feet shall be provided for each sign and at least one sign per street frontage shall be posted. The sign shall be posted at least fifteen (15) days prior to the public hearing or meeting affecting the property and shall be removed no later than three (3) days after such hearing or meeting.

(d) *Signs Accessory to Parking Areas.* Signs directing and guiding vehicular ingress and egress to public or private off-street parking areas shall not exceed two (2) square feet in sign surface area. No more than two (2) such signs shall be allowed at each entrance to or exit from the parking area. One (1) sign having no more than nine (9) square feet of surface area may be maintained on each street side of such parking areas for the purpose of designating the conditions of use or identity of the parking area. Signs accessory to parking areas are not included in computing the total sign surface area of a lot in business and manufacturing districts. Signs accessory to parking areas shall be set back at least three (3) feet from the public right-of-way and shall be located so as not to obstruct the view of either drivers or pedestrians.

(e) *Public directional signs within the right-of-way.*

(f) *Institutional Signs.* Exterior identification signs or bulletin boards not over twenty (20) square feet in area shall be permitted for public charitable or religious institutions where such signs or bulletin boards are located on the premises of the institution. A permit without fee shall be required for this type of sign. No more than one such sign shall be permitted for each street side of the premises.

(g) *Nameplate sign.* One nameplate sign shall be permitted for each building or building unit if the building contains more than one use. The maximum permitted sign surface area shall be one square foot.

(h) *Real estate signs.* In residential zoning districts, real estate signs shall not exceed four (4) square feet in sign surface. In business and manufacturing zoning districts, real estate signs shall not exceed thirty-six (36) square feet in sign surface area. Content of a real estate sign shall be restricted to advertising for the sale, rental or lease of the property where such sign is located. Real estate signs shall not exceed ten (10) feet in height. There shall be no more than one such sign allowed per zoning lot where such lot contains a single use and no more than one such sign per use where the zoning lot contains multiple uses.

(i) *Rummage Sale or Garage Sale Signs.* Rummage sale or garage sale signs shall be subject to the provisions of Section 28-1506. In addition, no such sign shall exceed five (5) square feet in sign surface area, and no such sign shall continue to be used more than a period of five (5) days. No rummage sale or garage sale sign shall be placed or otherwise erected on the public right-of-way.

(j) *Window Displays.* Merchandise, pictures, or models of product or service incorporated in a window display shall be permitted without building permit or fee. Such displays shall not be calculated in the total surface area of signs permitted in a commercial establishment.

(k) *Political Campaign Signs.* Political campaign signs shall be permitted. Such signs shall contain a sign surface area not in excess of twelve (12) square feet.

(l) *Window Promotional Signs.* Window promotional signs shall be permitted. Such signs shall not be included when calculating total sign surface area on a zoning lot. (See Section 28-1514.)

(m) *College and University Signage.* Notwithstanding the provisions contained in Section 28-

1517(c), exterior identification signs not over fifty (50) square feet in surface area and six (6) feet in height shall be permitted for colleges and universities containing forty (40) or more acres, where such signs are located on the premises of the college or university. A permit without fee shall be required for this type of sign. One such sign at each side of the primary entrance (not to exceed a total of two (2) signs) shall be permitted.

(n) Flags. American flags, State and County flags, and other corporate, national or organizational flags may be displayed properly per Federal guidelines.

**Section 9. That Section 28.1518. is hereby amended to read as follows:**

**28.1518. Regulations for the B-1 Limited Retail District.**

(a) *Permitted sign types.* In B-1 zoning districts only the following types of signs are permitted:

- Awning and canopies
- Freestanding signs not exceeding 20 feet
- Wall signs
- Window signs
- Window promotional signs
- Contractors' signs
- Signs accessory to parking areas
- Directional signs within the public right-of-way
- Real estate signs
- Political campaign signs
- Developers' temporary signs
- Window displays
- Temporary ~~external~~ signs
- Projecting signs
- Signs on public utility facilities or public facilities
- Public Hearing Notice Signs

(b) *Number of signs per lot.* There shall be no more than one (1) freestanding sign for each zoning lot, provided that lots that have street frontage on two (2) arterial or collector streets may have one (1) freestanding sign on each street frontage.

(c) *Surface Area.* Total surface area of all signs on a zoning lot shall not exceed one (1) square foot per foot of street frontage on an arterial or collector street.

(d) *Height.* Freestanding signs shall not exceed twenty (20) feet in height.

(e) *Location.* Freestanding signs may be located within the required yard adjacent to a street but not less than eight (8) feet from any lot line.

(f) *Limitation.* Except for signs containing noncommercial copy of any nature, content of signs shall be limited to the business, product, and activity available or conducted on the zoning lot.

**Section 10. That Section 28.1519. is hereby amended to read as follows:**

**28.1519. Regulations for the B-2 General Retail District.**

(a) *Permitted sign types.* In B-2 zoning districts only the following types of signs are permitted:

- Signs permitted in the B-1 district
- Marquees
- Roof signs
- Exterior rate signs

(b) *Surface Area.* Total sign surface area on a zoning lot shall not exceed two (2) square feet per foot of frontage on all adjacent streets, alleys or other public ways.

~~(c) *Height.* Roof signs shall not exceed six (6) feet in height or more than twenty (20) feet above~~

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grade, whichever is lower.

(dc) *Location.* Same as for B-1 zoning districts, except there shall be a minimum of one hundred (100) feet of separation between freestanding signs on the same zoning lot as measured along the street frontage.

(ed) *Limitation.* Except for signs containing noncommercial copy of any nature, content of signs shall be limited to the business, product, and activity available or conducted on the zoning lot.

**Section 11. That Section 28.1520. is hereby amended to read as follows:**

**28.1520. Regulations for B-3 General Services and Highway Business District.**

(a) *Permitted sign types.* In B-3 zoning districts only the following types of signs are permitted:

Signs permitted in the B-2 zoning district

Advertising signs

Roof signs

(b) *Surface Area.* Same as in B-2 zoning districts except that advertising signs shall not exceed 200 square feet.

~~(c) *Height.* Advertising signs shall not exceed twenty (20) feet in height. Roof signs shall not exceed fifteen (15) feet above the top of the roof.~~

(dc) *Location.* Same as in B-2 zoning districts.

(ed) *Limitation.* Except for signs containing noncommercial copy of any nature and advertising signs, content of signs shall be limited to the business, product, and activity available or conducted on the zoning lot.

**Section 11.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 12.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk