

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Legal Department **DATE:** May 3, 2005
(Name)

RECOMMENDATION FROM: Plan Commission **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 Municipal Code concerning signs.

RECORD OF ACTION TAKEN:

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 /underline; deletions by ~~strikeout~~):

Section 1. That Section 1.16 is hereby amended to read as follows:

1.16 Citation and settlement in lieu of prosecution for certain offenses.

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars (\$10.00) if paid within ten (10) days of service of the citation, or twenty-five (\$25.00) dollars if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5-12; Dog, Horse or Pony Running at Large.
- (ii) Section 5-12.1; Disposal of Dog Excrement.
- (iii) Section 13-43; Storage of Refuse.
- (iv) Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.
- (v) Section 13-39; Smoking Prohibited in Certain Places.

2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1404; Regulating Off-Street Parking.
- (ii) ~~Section 28-1502; Regulating the Placement of Signs.~~

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of twenty-five dollars (\$25.00) if paid within ten (10) days of service of the citation, or fifty dollars (\$50.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 25-11; Use of Public Hydrants.
- (ii) Section 15-8; Drinking in Public.

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License.

- (iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment
- (iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.
- (v) Section 15-5.1; Noise Regulations.
- (vi) Section 19-21.1; Depositing Snow on Paved Streets.
- (vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets,

etc., prohibited.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

- (i) Section 1-3.13.1; Building Equipment Maintenance.
- (ii) Section 1-3.13.2; Building Fire Equipment and Systems Maintained in

Proper Operating Condition.

3. BUILDING OFFICIALS & CODE ADMINISTRATOR NATIONAL FIRE PREVENTION CODE (As adopted in Section 17-43)

- (i) Section F-310.4; Multi-Plug Adaptors.
- (ii) Section F-310.5; Extension Cords.
- (iii) Section F-518; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

- (i) ~~Section 28-1510; Temporary Signs.~~
- (ii) ~~Section 28-1408; Parking of Recreational Vehicles and Recreation~~

Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 13-35; Open Burning Prohibited.
- (ii) Section 15.23; Truancy
- (iii) Section 15-28.3; Possession of Telecommunications Devices on Public

School Property Prohibited.

- (iv) Section 17-45; Parking in Fire Lane.
- (v) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred and fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 15-23.1; Possession of Tobacco Products by Minors.
- (ii) Any provision of Chapter 6, Bicycles.
- (iii) Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a

Business District.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

- (i) Section 2-4; Obstructing Building Exits.

(g) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by

ceasing and/or abating said violation and paying the sum of two hundred dollars (\$200.00) if paid within ten (10) days of service of the citation, or four hundred dollars (\$400.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.

(h) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(i) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(j) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(k) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, code services officers, and such other persons as designated by the Village Manager, provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

Section 2. That Section 8.1909. is hereby amended to read as follows:

8.1909. Regulations Applicable to All Adult Entertainment Establishments.

(a) General Compliance. All Licensed Premises and Adult Entertainment Establishments shall comply with the provisions of this Ordinance; all other applicable Village ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.

(b) Hours of Operation.

1. No Adult Entertainment Establishment shall be open for business at any time on any State of Illinois or federal holiday.

2. No Adult Entertainment Establishment shall be open for business between the hours of 12:00 a.m. and 11:00 a.m. on any day.

(c) Animals. No animals, except only for animals trained and used to assist a person with a disability shall be permitted at any time at or in any Adult Entertainment Establishment.

(d) Restrooms. All restrooms in Adult Entertainment Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restroom of an Adult Entertainment Establishment. Separate male and female restrooms shall be provided for and used by Adult Establishment Employees and Adult Establishment Patrons.

(e) Restricted Areas. No Adult Entertainment Patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Adult Establishment Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

(f) Specific Prohibited Acts.

1. No person at any Adult Entertainment Establishment shall appear, be present, or perform while nude. No Adult Entertainment Establishment Patron shall appear, be present or perform while semi-nude.

2. No Adult Establishment Employee or any other person at any Adult Entertainment

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Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Patron or any other Adult Establishment Employee or any other person. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Entertainment Establishment Employee or any other Adult Establishment Patron or any other person.

3. Straddle Dances shall be prohibited at all Adult Entertainment Establishments.

(g) Exterior Display. No Adult Entertainment Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located. No portion of the exterior of an Adult Entertainment Establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to Subsection H of this Section with regards to signs. This Subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

(h) Signage Limitations. All signs for Adult Entertainment Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of ~~lot~~building/tenant frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs per zoning lot shall be one, ~~per lot frontage~~. Signs otherwise permitted pursuant to this Ordinance shall contain only (i) the name of the Adult Entertainment Establishment and/or (ii) the specific type of Adult Entertainment Establishment conducted on the Licensed Premises. Temporary signage shall not be permitted in connection with any Adult Entertainment Establishment.

(i) Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.

(j) Gambling and Related Devices Prohibited. No Adult Entertainment Establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.

(k) Manager's Station. Each Adult Entertainment Establishment shall have one or more manager's stations. The interior of each Adult Entertainment Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Adult Entertainment Patron is permitted access for any purpose.

(l) Alcohol Prohibition. No alcoholic liquor shall be delivered, received, sold, purchased provided or consumed by any Adult Entertainment Employee or Adult Entertainment Patron on the premises of an Adult Entertainment Establishment.

(m) No massage as regulated by Article XX of the Downers Grove Municipal Code shall be provided at an Adult Entertainment Establishment.

(n) No Adult Establishment Licensee shall permit any person to remain in or upon the Licensed Premises who commits any Specified Criminal Act.

Section 3. 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:

Abandoned/Obsolete Sign. A sign which no longer identifies or advertises a bona fide person, business, lessee, owner, product, activity, place, idea, institution or service, and/or for which no legal owner can be found.

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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.
- (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.
- (v) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
- (vi) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.
- (vii) 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.

Advertising Off Premises Sign. 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. Village sponsored banners located in an established business district and advertising affixed to Village-owned vehicles shall not be considered advertising off premises signs.

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.

Amortization. The process established under the ordinance by which an owner of a nonconforming sign is given a specified period of time to continue use of the nonconforming sign before it is terminated pursuant to the Village's police power.

Animal Surgical Office. An office for veterinary services permitting surgical procedures,

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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, strobe light, flashing lights, balloon, inflatable shapes, or similar device used to draw attention to a particular place including but not limited to the outlining of structures or premises by the use of internal or external lighting techniques.

Automobile Dealership. A retail establishment that sells, leases, or rents new or used automobiles, trucks, vans, recreational vehicles, trailers, boats, or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease on-site. Accessory uses may also exist upon the same site, such as maintenance, repair, and service areas, indoor parts storage areas, and financial services areas.

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 Repair. Incidental repairs, replacement of parts and motor service, minor painting and upholstery of automobiles, engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, and painting of vehicles; not including automobile sales.

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 Service Station Reader Board. A changeable copy sign indicating fuel prices.

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.

Awning. An overhang made of cloth or similar materials attached to a structure for decoration or cover from weather. (Figure 1)

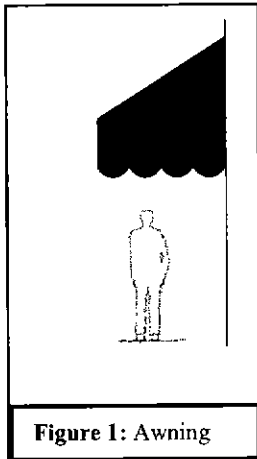


Figure 1: Awning

Banner. A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted to a permanent structure.

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.

Bare Bulb Illumination. Exposed or uncovered lighting elements found on a sign.

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.

Box Sign. A sign that principally consists of a metal or other type of enclosure, typically rectangular or regular in geometric form, that houses internal sign illumination and provides a supporting structure for an interchangeable sign face on one or both sides of the sign that is painted, screen printed, or otherwise applied on a Plexiglass or other transparent or translucent material.

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.

Building Frontage. The linear length of the outside building wall facing the public right-of-way or the linear length of the outside building wall facing a parking area which serves as the primary access for the subject use.

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

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furnishing of services.

Canopy. A permanent structure which consists of 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 connected to a building and constructed of materials such as wood or steel studs covered with wood or other material and which may or may not be supported by vertical columns. (Figure 2).

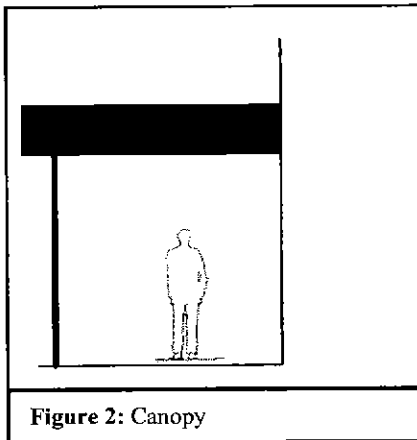


Figure 2: Canopy

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.

Changeable Copy/Message Board. A sign on which copy is changed manually to provide a message.

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.

Commercial Sign. A sign which identifies, advertises, or directs attention to a commercial business, or is intended to induce the purchase of goods, property, or service; including, without limitation, a sign naming a brand of goods or service.

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

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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 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 Avenue and Highland Avenue; thence east along the north right-of-way line of Warren Street Avenue, 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 Street, 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

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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 said 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.

Contractor Sign. 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.

Copy. Written material, printed text, numbers, logos, symbols or pictures located on the copy surface for the purpose of delivering a message.

Copy Surface. The face area of any sign intended or used to display copy.

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

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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.

Directly Illuminated Sign. 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.

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", "drive-thru", and "exit", but does not identify the establishment itself or other goods or services available at the establishment and does not contain other advertising messages.

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.

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.

Electronic Changeable Copy/Message Board. A sign which allows letters or characters to be placed as copy electronically in order to provide a message.

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

Signs

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.

Festoon Lighting. A group of two or more bulbs hung or strung overhead on a building or structure which are not shaded or hooded to prevent the direct rays of light from being visible at the property line.

Flashing Sign. A directly or indirectly illuminated sign with a source of artificial light that is not stationary or constant in intensity or color at all times when such sign is illuminated.

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.

Freestanding Sign. A sign with at least two support structures of less than two (2') feet in width which is not attached to the principal building on the property, and is anchored in or upon the ground.

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,

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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.

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental function.

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.

Indirectly Illuminated Sign. 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.

Individual Letter Sign. A wall sign made of individual letters that are separately affixed to the face of a building and which does not project above the top of the parapet wall or above any portion of the roofline.

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.

Signs

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.

Logo. A design used by an organization on its letterhead, advertising material and signs as an emblem by which the organization can be easily recognized.

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.

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.

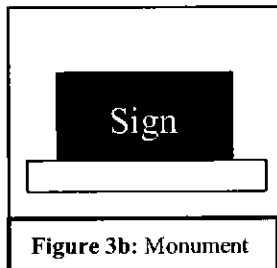
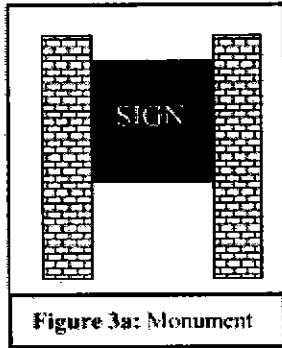
Lot line, side. Lot lines other than front or rear lot lines are side lot lines.

Signs

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.

Marquee Sign. A permanent roof-like structure made of durable, rigid material extending from the entrance of a building over a pedestrian or vehicular thoroughfare. A marquee is supported by the exterior wall of the building and contains a sign board or changeable copy sign.

Monument Sign. A sign anchored in or upon the ground, which is completely or principally supported by a structure of no less than two (2') feet wide. (Figures 3a and 3b)



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.

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

Noncommercial Sign. A sign not directed at promoting commercial activity and includes, but is not limited to, home occupation and ornamental gate signs.

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

Signs

being.

Ornamental Entry Gate Sign. A freestanding, non-illuminated or indirectly illuminated sign that sets forth the name of a subdivision or planned development.

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.

Political Sign. Signs announcing or describing candidates seeking public political office or announcing or describing political issues and data pertinent thereto.

Portable Sign. A sign which is intended to be moved from place to place including but not limited to tent signs, signs on wheels, signs with trailer hitches, and portable signs with internally illuminated message boards.

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.

Projecting Sign. Any sign that is attached to a wall in a perpendicular manner. (Figure 4)

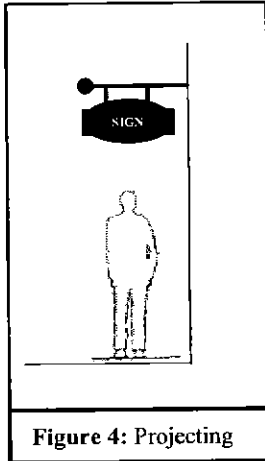


Figure 4: Projecting

Public Hearing Notice Sign. A sign posted by the Village which is intended to provide legal notice of a public hearing or meeting concerning the property on which the sign is posted.

Public Service Sign. A sign posted on public property the function of which is to promote items of general interest to the community.

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

Real Estate Sign. 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.

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.

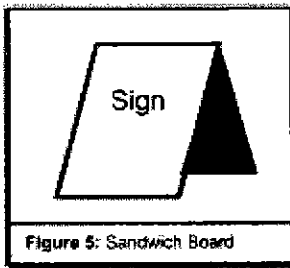
Ringelmann number. The next lowest shade number on the Ringelmann Chart which most nearly corresponds to the light obscuration of the smoke being measured. For example, smoke capacity lying between No. 1 and No. 2 shades of gray on the Ringelmann Chart shall be measured as Ringelmann No. 1 smoke.

Roof Sign. A sign that is permanently attached to the roof of a structure, excluding the face of a mansard roof.

Sandwich Board Sign. A two-sided movable sign of six (6) feet or less in area per side which

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opens at the bottom and is joined at the top and which is intended to be placed on the ground. (Figure 5)



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.

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.

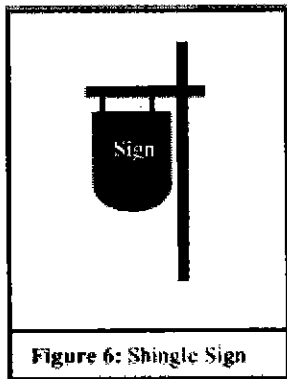
Service bay. An area situated entirely within a building which is required to store and service one automobile.

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.

Shingle Sign. A sign that is suspended from a horizontal arm of a freestanding pole. (Figure 6)



Shopping Center. A series of at least three retail establishments or professional offices with individual entrances, sharing a common wall and common off-street parking.

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.

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~~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. Any object, device, display or structure, or part thereof, excluding patio umbrellas, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, or illumination whether affixed to a building or separate from any building.

Sign Height. The vertical distance from the established average grade at the base of a sign to the highest point of the sign.

Sign Setback. A minimum required front yard within which no structure or parts of structures shall be erected, altered or maintained except as authorized herein. The required setback with respect to signs shall be measured from the portion of the sign or its support, whichever is closest to the property line.

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~~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. 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.~~

Surface Area. The entire area of a monument or freestanding sign within a single continuous rectangular perimeter enclosing the extreme limits of a sign, exclusive of any structure or framing elements. Only one display face shall be measured in computing the surface area. For wall and window signs, the surface area of the sign shall be determined by drawing an imaginary square or rectangular

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envelope so as to completely enclose the copy on the sign face excluding the support and architectural features. In the case of a wall or window sign with more than one exterior surface containing items of information, the area shall be the sum total of the display surface as determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on each sign face excluding the support structure and architectural features.

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.

Temporary Sign. A sign designed and intended for a temporary period of posting, typically constructed from nondurable materials such as paper, cardboard, cloth, plastic and/or wallboard; and which does not constitute a structure subject to the Village's building or zoning codes.

Tenant Frontage. The width of a tenant space measured from one (1) side wall to the other along the front exterior wall or other drivable accessible routes.

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.

Under Canopy Sign. A sign suspended beneath a canopy or marquee.

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.

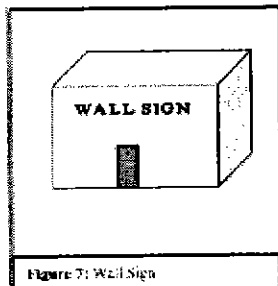
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Vehicle Sign. A sign attached to a vehicle excluding advertising posters on buses or taxicabs.

Village Public Service Sign. A sign posted or erected by the Village, the function of which is to promote items of general public interest to the community.

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

Wall Sign. A sign attached or erected against a wall of a building or structure with the exposed face of the sign or plane parallel to the plane of the wall. (Figure 7)



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

Window Sign. An interior sign, located within five feet of a window that is installed inside, painted upon or placed against a window for purposes of viewing from outside the premises, not including merchandise located in a window display.

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 Lot or Parcel. A lot of record, an un subdivided 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.

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

Section 4. That Section 28.1014. is hereby amended to read as follows:

28.1014. Home Occupations.

A home occupation, where allowed as a permitted use within a residential zoning district shall be subject to the following conditions:

(a) The area of the dwelling utilized for the home occupation shall be no more than twenty-five percent (25%) of the gross floor area of the dwelling or four hundred (400) square feet, whichever is less.

(b) The home occupation shall be conducted entirely within the dwelling and not from a detached or attached garage or other accessory structure. Equipment, materials, samples and vehicles incidental to the home occupation may be stored in a detached or attached garage or other accessory structure so long as the business activity is limited to the dwelling.

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(c) Not more than one (1) person other than members of the immediate family residing in such dwelling shall be employed on the premises.

(d) The home occupation shall not involve the sale of goods which are stored and delivered to the buyer on the zoning lot, except as incidental to a permitted service. The term "sale of goods" as used herein does not include the sale of household goods in what is commonly known as a garage sale, so long as such sales last for a period no longer than four (4) consecutive days and are held no more than four (4) times in any calendar year.

(e) There shall be no exterior display or sign, except for a single sign which shall comply with the provisions of Section 28-15071505.

(f) There shall be no outdoor storage of equipment or materials used in connection with the home occupation.

(g) There shall be no mechanical equipment which emits an unreasonable odor, noise, radio interference or other nuisance.

(h) The home occupation shall not require regular receipt or delivery of merchandise, goods or equipment by any motor vehicle bearing a Division of Motor Vehicles License Class "C" or higher.

(i) The home occupation shall not result in the simultaneous presence on the zoning lot and the adjoining street of more than three motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.

(j) In the event that more than one (1) home occupation is conducted within the dwelling, the conditions established by this section shall apply to the sum total of the activity related to such home occupations.

Section 5. That Section 28.1110. is hereby amended to read as follows:

28.1110. Front Yard.

(a) R-1 District:

(1) *General requirement.* Except as provided herein, structures shall be setback at least forty (40) feet. Structures over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* For non-residential uses in buildings less than forty (40) feet in height, the setback shall be the same as required for single-family dwellings. For non-residential uses in buildings forty (40) feet or more in height, the setback shall be increased beyond the requirements for single-family dwellings by two (2) feet for each additional one (1) foot of height over forty (40) feet.

(b) R-2 District:

(1) *General requirement.* Except as provided herein, buildings shall be setback at least thirty five (35) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* Same as required for the R-1 District.

(c) R-3 District:

(1) *General requirement.* Except as provided herein, buildings shall be setback at least thirty (30) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* Same as required for the R-1 District.

(d) R-4 District:

(1) *General requirement.* Except as provided herein, buildings shall be setback at least twenty five (25) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.

(2) *Non-residential uses.* Same as required for the R-1 District.

(e) R-5 District: Same as required in the R-4 District.

(f) R-5A District: Same as required in the R-4 District.

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(g) R-6 District:

(1) *General requirement.* Except as provided herein, setback requirements shall be the same as required in the R-4 District.

(2) *Landbank Development.* A Landbank Development shall not be required to provide any setback except as may be mandated by the Village Council in the context of a Planned Development.

(h) B-1 District:

(1) Except as otherwise provided below, the minimum setback in the B-1 zoning district shall be not less than thirty (30) feet. Provided, buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two (2) feet of height over twenty (20) feet. These setback requirements shall be observed on each street side of a corner lot.

(2) The required setback with respect to signs shall be measured from that portion of the sign or its support whichever is closest to the street.

(3) Notwithstanding any of the foregoing provisions of this section or any provision of Article XII, additional construction on a zoning lot on which a building was erected prior to April 19, 1965, may conform to the actual setback line of such building, if the actual setback line of such building is legally nonconforming and all required transitional yards, if any, are provided and maintained in accordance with the applicable provisions of this Zoning Ordinance.

(4) Except as otherwise provided in this section, the minimum setback on Ogden Avenue shall be not less than seventy-five (75) feet from the center line of Ogden Avenue. The minimum setback for any vertical portion of a canopy shall be fifty-eight (58) feet from the center line of Ogden Avenue, and the minimum setback for any horizontal portion of a canopy shall be fifty (50) feet from the center line of Ogden Avenue or eight (8) feet from the property line, whichever is greater. Off-street parking, ~~portable or fixed signs~~, fences, private electric light standards or any similar items, shall comply with a minimum setback of not less than fifty (50) feet from the center line of Ogden Avenue. ~~Where there is a conflict between this subsection and the provisions of Section 28-1518, this subsection shall control.~~

(5) Property in the Fairview Concentrated Business District shall have a minimum setback of eight (8) feet.

(6) The minimum setback from the north line of Second Street shall be fifty (50) feet between the east line of Fairview Avenue and the west line of Wilcox Avenue.

(i) B-2 District:

(1) Except as otherwise provided below, the minimum setback shall be not less than twenty-five (25) feet, except that buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two (2) feet of height over twenty (20) feet. The setback requirements shall be observed on each street side of a corner lot.

~~(2) The required setback with respect to signs shall be measured from that portion of the sign or its support whichever is closest to the street.~~

~~(3) Notwithstanding any of the foregoing provisions of this section or any provision of Article XII, additional construction on a zoning lot on which a building was erected prior to April 19, 1965, may conform to the actual setback line of such building, if the actual setback line of such building is legally nonconforming and all required transitional yards, if any, are provided and maintained in accordance with the applicable provisions of this Zoning Ordinance.~~

~~(4) The minimum setback on Ogden Avenue shall be as required in the B-1 Business District.~~

~~(5) Property in the Fairview Concentrated Business District shall have a minimum setback of eight (8) feet.~~

~~(6) Property in the Concentrated Business District shall not be required to provide any setback.~~

(j) *B-3 District:* Except as provided below, setback shall be the same as required in the B-2 General Retail Business District. Where a zoning lot fronts Ogden Avenue and also fronts on a street intersecting with Ogden Avenue, the minimum setback for parking or display of motor vehicles along the intersecting

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street shall be not less than eight (8) feet.

(k) *O-R District:* The minimum setback shall be seventy-five (75) feet, except that any lot fronting, in whole or in part, on land located in a residential zoning district, shall provide a setback of one hundred (100) feet. Buildings that exceed fifty (50) feet in height shall be provided with one (1) additional foot of setback for every foot of height in excess of fifty (50) feet.

(l) *O-R-M District:*

(1) Except as otherwise provided below, the minimum setback in the O-R-M District shall be not less than thirty-five (35) feet. Provided, buildings over thirty (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty (35) feet. These setback requirements shall be observed on each street side of a corner lot.

(2) The setback on Second Street, from the east line of Wilcox Avenue to the west line of Cumnor road shall be sixty (60) feet.

(3) The setback on Ogden Avenue shall be seventy-five (75) feet from the center line of Ogden Avenue, except that lighting standards shall be set back fifty (50) feet from the center line.

(4) The setback on Inverness Road, on the north side only, from Belmont Road to Janes, shall be twenty-five (25) feet.

(5) The setback on Warren Avenue, on the south side only, from Lee Street to Saratoga Avenue, and the setback on Rogers Street, on the south side only, from Prospect Avenue to Fairview Avenue, shall be ten (10) feet for those zoning lots that were classified for manufacturing uses as of January 1, 1950, and remaining classified from time to time in a Manufacturing District.

(6) The setback on Maple Avenue, on the south side only, shall be ten (10) feet.

(m) *M-1 District:*

(1) Except as otherwise provided below, the minimum setback in the M-1 District shall be not less than thirty-five (35) feet. Provided, buildings over thirty (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty (35) feet. These setback requirements shall be observed on each street side of a corner lot.

(2) The setback on Second Street, from the east line of Wilcox Avenue to the west line of Cumnor Road shall be sixty (60) feet.

(3) The setback on Ogden Avenue shall be seventy-five (75) feet from the center line of Ogden Avenue, except that lighting standards shall be set back fifty (50) feet from the center line.

(4) The setback on Inverness Road, on the north side only, from Belmont Road to Janes Avenue, shall be twenty-five (25) feet.

(5) The setback on Warren Avenue, on the south side only, from Lee Street to Saratoga Avenue, and the setback on Rogers Street, on the south side only, from Prospect Avenue to Fairview Avenue, shall be ten (10) feet for those zoning lots that were classified for manufacturing uses as of January 1, 1950, and remaining classified from time to time in the M-1 Manufacturing District.

(6) The setback on Maple Avenue, on the south side only, shall be ten (10) feet.

(7) Where a zoning lot fronts on Ogden Avenue and also fronts on a street intersecting with Ogden Avenue, the minimum setback along the intersecting street shall be not less than eight (8) feet.

(8) The setback on Douglas Road between Rogers Street on the north and Maple Avenue on the south shall be not less than ten (10) feet.

(n) *M-2 District:* Except as otherwise provided below, the minimum setback in the M-1 District shall be not less than thirty-five (35) feet. Provided, buildings over thirty (35) feet in height shall be set back one (1) additional foot for each two (2) feet of height over thirty (35) feet. Provided, where a lot in the M-2 zoning district is located directly across a street from property in a residence district, such lot shall be provided with a setback of not less than one hundred (100) feet. These setback requirements shall be observed on each street side of a corner lot.

Section 6. That Section 28.1204. is hereby amended to read as follows:

28.1204. Reserved.

~~(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 noneconforming 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 noneconforming 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.~~

~~(d) 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 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 one (1) year from September 1, 2004; thereafter, all such nonconforming signs shall be deemed unlawful and shall be removed.~~

Section 7. That Section 28.1500SEC. is hereby amended to read as follows:

28.1500SEC. Purpose and scope.

(a) ~~The regulations set forth herein are established in order to promote and protect the public health, safety, comfort, prosperity and welfare and in order to accomplish the following specific purposes:~~

~~(1) To enhance the economy, business and industry of the Village by promoting the reasonable, orderly, and effective use and display of signs.~~

~~(2) To enhance the physical appearance of the Village.~~

~~(3) To protect the general public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the Village.~~

~~(4) To protect the public use of streets and highways by reducing sign or advertising distractions that may increase traffic accidents.~~

~~(5) To protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.~~

~~(6) To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.~~

~~(b) The provisions of this Article shall not apply to government signs upon public property or within public rights of way.~~

The purpose of this article is to create a comprehensive but balanced system of sign regulations to promote effective communication and to prevent placement of signs that are potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. This article is adopted for the following purposes:

(1) To preserve, protect and promote public health, safety and welfare.

(2) To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

(3) To enhance the physical appearance of the Village.

(4) To enhance the Village's economy, business and industry by promoting the reasonable, orderly and effective display of signs, and encouraging better communication between an activity and the public it seeks with its message.

(5) To protect the general public from damage and injury, which may be caused by the faulty and uncontrolled construction and use of signs within the Village.

(6) To protect pedestrians and motorists by reducing distraction which may increase the number and severity of traffic accidents.

(7) To encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of street signs.

Section 8. That Section 28.1501. is hereby amended to read as follows:

28.1501. General Regulations.

~~Except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign shall be located on the public right of way, or affixed to or upon public property on the public right of way. This prohibition includes but is not limited to, any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.~~

Except as otherwise expressly provided herein, the following shall apply to all signs within the Village:

(1) The content of signs shall be limited to the business, service, and activity available or conducted on the zoning lot.

(2) No sign shall be designed, constructed or maintained in a manner which presents a danger to the public health, safety or welfare as determined by the Village of Downers Grove.

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(3) Unless otherwise specified in this article, 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. All signs located on corner lots shall comply with Section 28-1102.

(4) When a business or service does not have direct access to a public street, signs directing traffic to such business or service may be located off premises at the point of access. Such signs shall be calculated as part of the total allowable sign area and shall be subject to sign requirements for the zoning district.

Section 9. That Section 28.1501.01 is hereby added to read as follows:

28.1501.01 Illumination.

Internally or externally illuminated signs shall be permitted, per the regulations of this article, provided they meet the following requirements:

(1) Signs shall be illuminated only by steady, stationary light sources directed solely at the sign or internal to it so that the light intensity or brightness does not create either a nuisance to adjacent property or a traffic hazard for motorists or pedestrians.

(2) Individual letters or logos may be internally illuminated. All other portions of the sign shall be opaque.

(3) Signs shall not be illuminated by exposed reflective type bulbs, exterior exposed neon, fluorescent, incandescent or strobe lights.

Section 10. That Section 28.1501.02 is hereby added to read as follows:

28.1501.02 Landscaping Requirements.

All freestanding and monument signs shall be landscaped. Every permit application for a freestanding or monument sign shall be accompanied by a landscape plan meeting the standards hereinafter specified:

(1) Signs shall be surrounded by a curbed landscaped area of no less than three (3) feet as measured from the sign face.

(2) Sodded, seeded, mulched or rocked areas shall not qualify as a landscaped area.

(3) Landscaping shall be comprised of any combination of shrubs, evergreens, perennial and annual flowers, ornamental grasses, and vegetative ground cover. It shall be the duty of each person owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping.

Section 11. That Section 28.1501.03 is hereby added to read as follows:

28.1501.03 Prohibited Signs.

No person or activity shall display any of the following signs within the Village of Downers Grove:

(1) Any sign or structure which constitutes a hazard to public health or safety.

(2) Any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs.

(3) Signs, which by color, location, or design resemble or conflict with traffic control signs or signals.

(4) Except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign shall be located on the public right of way, or affixed to or upon public property. This prohibition includes, but is not limited to, any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.

(5) Portable signs, not including sandwich board signs as allowed in the CCA/Fairview.

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- (6) Vehicle signs when the vehicle is not licensed, insured or operational.
- (7) Advertising off premises signs.
- (8) Moving signs.
- (9) LED or Flashing signs.
- (10) Signs with bare bulb illumination except marquees located in the Concentrated Central Area/Fairview Concentrated Business District.
- (11) Attention getting devices.
- (12) Exposed gas tubing, exterior to the building, including but not limited to Argon and Neon.
- (13) Roof Signs.
- (14) Electronic Changeable Copy/Message Board.
- (15) Box-type Signs in the Concentrated Central Area/Fairview Concentrated Business District.
- (16) Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the last thirty (30) days.
- (17) Any sign painted directly on a wall, roof, or fence, except in the Concentrated Central Area/Fairview Concentrated Business District.
- (18) Any sign placed or attached to a telecommunications tower, pole, or antenna.
- (19) Changeable copy consisting of more than two lines, excluding automobile service station reader boards. The changeable copy surface area shall be included in the total surface area allowed.
- (20) Single pole signs with a base of less than two (2) feet wide.
- (21) Any sign not expressly permitted in this Article.

Section 12. That Section 28.1501.04 is hereby added to read as follows:

28.1501.04 Exempt Signs.

The following signs shall be exempt from the regulation of this article and are not required to obtain a permit:

- (1) Governmental signs. Public signs and other signs incidental thereto for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.
- (2) Railroad crossing and signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities.
- (3) Street address signs not exceeding four (4) square feet in area.
- (4) Decorations temporarily displayed in connection with a Village sponsored or approved event or a generally recognized or national holiday.
- (5) Temporary signs at a residence commemorating a personal event including but not limited to the birth of a baby or birthday.
- (6) No trespassing signs or other such signs regulating the use of property, such as no hunting, no fishing, etc., of no more than two (2) square feet in area.
- (7) Non-commercial flags of any country, state, or unit of local government.
- (8) Real Estate Signs: In residential zoning districts, real estate signs shall not exceed five and one half (5 1/2) square feet in sign surface, including all tags attached thereto. 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 except on a corner lot which may have one such real estate sign per street front. Where a zoning lot contains multiple uses there shall be no more than one such sign per use. Real estate signs shall not be placed in the public right-of-way.
- (9) Political Signs: The total area of all signs together shall have a maximum area of twelve (12) square feet per zoning lot and shall only be posted during the sixty (60) day period preceding the event.

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and must be removed within three (3) days following the event. Political signs shall not be placed in the public right-of-way.

(10) Garage/Rummage Sale Signs shall not exceed four (4) square feet in sign surface area and must be posted no earlier than the first day of the sale and removed no later than the last day of the sale. No Garage/Rummage Sale Signs shall be placed on the public right-of-way.

(11) Memorial signs and tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

(12) Help wanted signs not to exceed two (2) square feet. The "help wanted" sign text must be the predominant text on the sign. Help wanted signs shall only be located in a window or door.

(13) 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 thirty six (36) square feet in surface area. The content of such sign shall be limited to the name of the contractors engaged in the construction on the property where the sign is located or to the name and business of the company which 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.

(14) 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. 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.

(15) 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 point of ingress/egress from the parking area. One (1) sign having no more than four (4) 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.

(16) Village Public Service Signs.

(17) Institutional Signs. Exterior identification signs or bulletin boards not over twenty (20) square feet in area with a maximum height of six (6) feet 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 zoning lot.

(18) College and University Signage. Any educational campus with a minimum of forty (40) or more acres is subject to the regulations of this article unless otherwise stated below. Entry monuments are permitted within the perimeter of the campus and all such structures shall be on private property. The monument sign may not exceed six (6) feet in height including ornamentation. The monument sign may not exceed fifty (50) square feet in surface area. The minimum setback of forty (40) feet from a curb line shall be maintained. Exterior building identification may consist of one monument sign on each side of the primary entrance.

(19) Vehicle Signs. When the vehicle to which the sign is attached is licensed, insured, and operational. The vehicle must be used for the operation of the business and may not remain stationary for an extended period of time for the purpose of attracting attention to a business.

Section 13. That Section 28.1501.05 is hereby added to read as follows:

28.1501.05 Temporary Signs.

Certain temporary signs as defined in this article may be permitted for promoting special community activities, special events, grand openings for businesses, or the activities of nonprofit organizations, subject to the issuance of a permit and the following provisions:

(1) A permit for a temporary sign may be issued for no more than eight (8), one week (7 day) periods during any calendar year. Applications for such permits must be approved by the Village and shall contain at minimum a general description of the sign including size and lighting.

(2) A temporary sign displayed for less than seven (7) days constitutes a one-week period.

(3) All temporary signs must be properly maintained while displayed and be able to withstand all weather elements.

(4) Temporary signs shall not contain changeable copy.

(5) Temporary signs are restricted to thirty-two (32) square feet.

(6) One (1) temporary sign shall be permitted for each street frontage per zoning lot.

(7) All temporary signs shall be removed by the person or organization that erected or caused the erection of the sign not less than three days after the date of the event to which they relate, or at the end of the maximum period for which such sign is allowed, whichever comes first.

(8) Temporary window signs are exempt from permit. However, unless they are promoting an upcoming event of a non-profit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs.

Section 14. That Section 28.1502. is hereby amended to read as follows:

28.1502. General Commercial Signs.

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. 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~~

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prohibited, except that signs that exhibit time, temperature, date or other similar information.

(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.~~

In all areas of the Village except the Central Concentrated Area/Fairview Concentrated Business District, the total allowable sign surface area shall not exceed an area equal to one and one-half (1.5) square foot per one (1) linear foot of tenant frontage per tenant, except menu boards, window and temporary signs. However, buildings setback greater than three hundred (300) feet from the roadway are allowed a total allowable sign surface area of two (2) square feet per one (1) linear foot of tenant frontage per tenant, excluding menu boards, window and temporary signs. In no case shall a single tenant exceed a maximum of three hundred (300) square feet of total sign surface area.

Section 15. That Section 28.1502.01 is hereby added to read as follows:

28.1502.01 Monument Signs and Shingle Signs.

Unless otherwise specifically provided herein, each zoning lot is allowed either one monument sign or one shingle sign.

A. Monument Signs.

(1) Monument Signs may have signage on a maximum of two (2) sides only and shall comply with the following height and area limitations based on the indicated zoning lot widths:

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<u>Zoning Lot Widths (ft.)</u>	<u><100</u>	<u>100+</u>
<u>Height (ft.)</u>	<u>8</u>	<u>10</u>
<u>Area (SF per side)</u>	<u>24</u>	<u>36</u>

(2) Any monument sign fronting a street shall be setback ten (10) feet. No monument sign shall be located closer than twenty-five (25) feet from the lot line of any adjacent zoning lot.

(3) Monument signs shall be subject to setback and vision safety requirements of Section 28-1102.

(4) Monument signs must contain the numerical street address of the property which shall be no less than eight (8) inches and no more than ten (10) inches in height. Such sign copy shall be excluded from the total sign surface area allowed.

(5) Zoning lots with more than one street frontage shall be allowed two (2) monument signs of the same size placed no closer together than one hundred (100) feet.

(6) Shopping Centers:

a. Shopping centers with multi-tenants and a minimum of five hundred (500) linear feet of frontage along the public roadway may have two (2) monument signs of the same size placed no closer together than two hundred (200) feet. Such signs shall contain the names of more than one tenant. The maximum height shall be fifteen (15) feet with a maximum area of sixty (60) square feet.

b. Shopping centers having between one hundred (100) and five hundred (500) linear feet of frontage along the roadway shall be allowed only one (1) monument sign with a maximum height of ten (10) feet and a maximum area of thirty-six (36) square feet.

c. Shopping centers with less than one hundred (100) linear feet of frontage along the roadway shall be allowed one (1) monument sign with a maximum height of eight (8) feet and a maximum area of twenty-four (24) feet. Such signs shall contain the names of more than one tenant.

(7) Tollway Corridor: For properties that are directly adjacent to the I-88 and/or I-355 corridor, the regulations of this Section 28-1500, et seq. shall apply with the following exceptions:

a. In addition to the signage allowed by this Section 28-1502.1, one (1) additional monument sign shall be allowed for properties with a minimum tollway frontage of one hundred (100) feet or one hundred (100) feet of frontage on an IDOT right-of-way which fronts the tollway.

b. Such monument sign shall be placed adjacent to the tollway.

c. Such monument sign may not exceed two hundred twenty-five (225) square feet in sign surface area and shall not exceed twenty (20) feet in height.

d. Such monument sign shall not be counted toward allowable sign surface area.

B. Shingle Signs.

(1) Shingle signs shall have a maximum of ten (10) square feet per side with a maximum height of seven feet (7'). The sign can be no closer to any side lot line than eight feet (8') there shall be no front yard setback.

Section 16. That Section 28.1502.02 is hereby added to read as follows:

28.1502.02 Wall Signs.

a. Each business or property owner is allowed to display one wall sign per tenant frontage along a public roadway or drivable right-of-way.

b. If the structural support of a wall sign is visible it shall match the color of the exterior of the building.

c. No wall sign shall cover wholly or partially any wall opening, nor extend beyond the perimeter of the wall to which it is affixed nor extend more than twelve (12) inches from the vertical plane of the facade to which it is affixed.

d. Buildings four (4) or more stories in height shall be allowed one (1) wall sign per side, not to exceed three (3) sides and such signs shall not exceed one hundred (100) square feet per sign. Such wall

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not be counted toward maximum allowable sign surface area.

Section 17. That Section 28.1502.03 is hereby added to read as follows:

28.1502.03 Menu Boards.

Menu boards for restaurants are permitted to be displayed on an exterior wall of the business. Such signs may not exceed four (4) square feet in area. The menu board area shall not be calculated toward the total maximum allowable signage. The sign may include menus or notice of special events including community events. All such signs must be enclosed in a tempered glass or Plexiglass frame.

Section 18. That Section 28.1502.04 is hereby added to read as follows:

28.1502.04 Projecting Signs.

a. *First Floor.* Each first floor establishment may have one projecting sign which may not extend more than thirty-six (36) inches from the vertical plane of the façade to which it is affixed. Such sign shall not exceed six (6) square feet in area and shall be erected so that the lowest portion of the sign shall be not less than eight (8) feet above the ground. Such projecting signs shall not be internally illuminated.

b. *Second Floor.* Second floor establishments may display one projecting sign which shall be located immediately over or within two (2) feet of the first floor pedestrian access to the business. Such sign may not extend more than thirty-six (36) inches from the vertical plane of the façade to which it is affixed. Such sign shall not exceed six (6) square feet in area and shall be erected so that the lowest portion of the sign shall be not less than eight (8) feet above the ground. Such projecting signs shall not be internally illuminated.

Section 19. That Section 28.1502.05 is hereby added to read as follows:

28.1502.05 Awning Signs.

awnings or canopies containing a sign shall be permitted provided the awning or canopy complies with the following requirements:

a. All awnings or canopies shall not extend above the first floor of the structure to which it is attached and shall be constructed and erected so that the lowest portion shall be not less than eight (8) feet above the ground.

b. Except for the name, address, and logo of the business conducted within the premises no advertising shall be placed on any awning or canopy sign. Lettering shall be painted or permanently placed on the awning or canopy.

Section 20. That Section 28.1502.06 is hereby added to read as follows:

28.1502.06 Under Canopy Signs.

Under canopy signs shall be attached to the underside of the soffit or ceiling of any canopy. The face of any such sign shall not exceed twelve (12) inches in height or four (4) feet in length. Such signs shall be erected so that the lowest portion of the sign shall be not less than eight (8) feet above the ground.

Section 21. That Section 28.1502.07 is hereby added to read as follows:

28.1502.07 Window Signs.

First floor businesses are allowed permanent and temporary window signs with a square footage of up to

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directory to an industrial subdivision or an industrial planned unit development.

(e) - One (1) such sign may be located on each side of the point of ingress to the development, but not in the public right-of-way or otherwise upon public property. Such signs shall conform to the vision clear-ance requirements in this Code.

Unless exempt pursuant to Section 28.1501.04, no person shall erect or display any sign unless issued a permit.

a. Application. Any person or activity proposing to erect or display a sign shall file an application on a form provided by the Village of Downers Grove, which shall include a spot survey.

b. Fees. All applicable permit fees shall be paid in full as required.

c. Conformance with the National Electrical Code. All signs in which electrical wiring and connections are required for direct or indirect illumination shall conform to the applicable provisions of the National Electrical Code.

d. Wind Pressure and Dead Load Requirements. Signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of net surface area and to receive dead loads as required in the building code.

e. Insurance and Bond Requirements. Every applicant for a permit for a sign which will extend over a public right of way or which is so located that it may fall upon the same, shall file with the Department of Code Services before the permit is granted, an encroachment license agreement indemnifying the Village and holding the Village harmless from any liability as well as a liability insurance policy covering all damage or injury that might be caused by each of said signs, or certificate of insurance therefore, issued by an insurance company authorized to do business in the state of Illinois and satisfactory to the Department of Code Services, with limits of liability of not less than \$1,000,000 for property damage and \$1,000,000 for personal injuries. The Village, its officers, agents and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit, and if at any time it shall not be in full force, the Department of Code Services shall revoke the permit.

f. Completion of Authorized Work. If the work authorized under the permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

Section 37. That Section 28.1509. is hereby amended to read as follows:

28.1509. Non-Conforming Signs/Amortization Period.

No roof sign or inflatable signs shall be permitted within the Village.

Any sign which existed lawfully on the effective date of this sign code which remains or becomes nonconforming by reason of adoption of this sign code or because of subsequent amendments thereto, or which shall become non-conforming by reason of the annexation to the Village of the lot or parcel on which such sign is located, shall be considered a non-conforming sign and the continuance of such sign shall be only as hereinafter permitted:

a. Ordinary repairs and maintenance, including the removing and replacing of the outer panels shall be permitted, provided, the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the non-conforming sign shall be permitted.

b. Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.

c. No repair or alteration which increases the size of the non-conforming sign shall be permitted.

d. No non-conforming sign shall be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this sign code.

e. If a non-conforming sign is located on property which is sold, with the full ownership of the property being transferred, the non-conforming sign shall be brought into conformance with this code at the time of the transfer unless the business will continue to operate under the same name.

f. If a non-conforming sign is abandoned or the described business discontinued for a continuous period of thirty (30) days, it shall be discontinued and any subsequent sign shall conform to all of the requirements of this sign code.

g. On or prior to seven years from the effective date of this ordinance all non-conforming signs shall be brought into conformance with this article. Said period shall for all purposes be deemed an appropriate amortization period for each and every non-conforming sign presently located within the corporate limits of the Village or hereinafter located within the Village by reason of annexation into the Village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.

h. Subsection (f) shall not apply to signs previously granted variances by the Zoning Board of Appeals. Such signs shall be deemed non-conforming signs to which all other provisions of this section shall apply.

Section 38. That Section 28.1510. is hereby amended to read as follows:

28.1510. Modifications and Variations by the Zoning Board of Appeals.

~~(a) This subsection shall regulate all temporary 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 sign under this Section.~~

~~(b) Temporary 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 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 sign permits can be issued shall not exceed sixty (60) days per calendar year.~~

~~(d) No more than one temporary 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 signs shall comply with all other applicable provisions of this Article unless otherwise specified.~~

The Zoning Board of Appeals or Plan Commission, upon petition made pursuant to Article XVIII of this Zoning Ordinance, and after a public hearing on such petition, may vary, or otherwise modify, the petition of any provision of this Article to any particular case when, in the opinion of such Board or Commission, the literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of this Article or the public interest. The decision of the Zoning Board of Appeals or Plan Commission shall specify the nature of the variation or other modification, the conditions upon which it is made, if any, and the facts or other reasons supporting the action taken.

Section 39. Section 28.1511. is hereby repealed in its entirety

28.1511. Under canopy signs.

~~Under canopy signs that are attached to the underside of the soffit or ceiling of any arcade or covered sidewalk are permitted in addition to signs permitted under any other provision of this Article. The face of any such sign shall not exceed twelve (12) inches in height or four (4) feet in length and shall be mounted at right angles to the nearest face of the structure. Such signs shall be not less than eight (8) feet above grade.~~

Section 40. Section 28.1512. is hereby repealed in its entirety

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28.1512. Wall signs.

No wall sign shall be permitted unless the following requirements are met:

(a) No wall sign shall cover wholly or partially any wall opening, nor extend beyond the perimeter of the wall to which it is affixed.

(b) Directly illuminated wall signs shall be constructed so as to provide eight (8) feet of clearance from the ground.

Section 41. Section 28.1513. is hereby repealed in its entirety

28.1513. Building identification - Professional office signs.

(a) Building identification signs shall meet the following requirements:

(1) *Number:* There shall be no more than one such sign for each multi-family structure on a zoning lot. Provided, buildings which front on more than one street may have one sign on each frontage.

(2) *Area:* Building identification signs shall not exceed 16 square feet in size.

(b) One professional office sign, with a surface area of no more than six square feet, shall be permitted for each building.

Section 42. Section 28.1514. is hereby repealed in its entirety

28.1514. Window and Window Promotional Signs.

(a) On zoning lots located in areas classified by this Zoning Ordinance as a business district, each business location may have one or more window signs with an aggregate area equal to not more than 50% of the total display window area. Content of such sign shall be limited to name, type of business, major product, address, phone number, hours, and logo.

(b) On zoning lots located in areas classified by this Zoning Ordinance as a business district, each business location may have one or more window promotional signs with an aggregate area equal to 50% of the total display window area. Each such sign shall be limited to a maximum exposure time of one month. Content of such sign shall be limited to advertising of special sales or events.

Section 43. Section 28.1515. is hereby repealed in its entirety

28.1515. Permit required.

(a) From and after July 12, 1976, it shall be unlawful to erect or alter any sign within the Village unless a permit therefor has been issued by the Director in accordance with the provisions of this Article. A written petition for such permit shall be filed with the Director, and any required fee paid, in conformance with this Zoning Ordinance. Ornamental entry gate signs shall be exempt from payment of the applicable permit fee.

(b) No sign permit shall be issued by the Village until the owner has obtained all necessary state or federal permits, if any. Provided, however, the issuance of such state or federal permits shall not entitle the owner to issuance of a Village permit, and no such Village permit shall be issued unless the owner is in compliance with all applicable Village, state and federal laws.

Section 44. Section 28.1516. is hereby repealed in its entirety

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-

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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 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) *Nonecommercial 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.

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~~(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(e), 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 45. Section 28.1517. is hereby repealed in its entirety

28.1517. Regulations for residential zoning districts.

~~(a) Permitted sign types.~~ In all residential zoning districts only the following types of signs are permitted:

~~Building identification signs (permitted in the R-6 District only)~~

~~Contractor signs~~

~~Signs accessory to parking areas~~

~~Directional signs within public right-of-way~~

~~Institutional signs~~

~~Nameplates~~

~~Real estate signs~~

~~Ornamental signs or entry gate signs~~

~~Rummage or garage sale signs~~

~~Political campaign signs~~

~~Developer's temporary signs~~

~~Signs on public utility facilities or public facilities~~

~~Freestanding signs accessory to a permitted non-residential use, provided that the height of such sign shall not exceed six (6) feet and the surface area of such sign shall not exceed twenty (20) square feet~~

~~Professional office signs~~

~~Public Hearing Notice Signs~~

~~Home Occupation Signs~~

~~Freestanding Noncommercial Signs~~

~~Noncommercial Window Signs~~

~~(b) Number.~~ There shall be no more than four signs for each zoning lot on which a single or two-family or multiple-family dwelling is located.

~~(c) Surface Area.~~ Total surface area of all signs on a zoning lot on which a single or two-family or multiple-family dwelling is located shall not exceed twelve (12) square feet. -- Each freestanding sign accessory to a permitted nonresidential use shall not exceed twenty (20) square feet.

~~(d) Height.~~ No sign shall exceed ten (10) feet in height except that freestanding signs accessory to a permitted nonresidential use shall not exceed six (6) feet in height.

~~(e) Location.~~ Such signs may be located in any required yard, but not less than five (5) feet from a lot line except as otherwise provided in this Article.

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

Section 46. Section 28.1518. is hereby repealed in its entirety

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 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 47. Section 28.1519. is hereby repealed in its entirety

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~~
- ~~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) ~~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.

(d) ~~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 48. Section 28.1520. is hereby repealed in its entirety

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:

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Signs permitted in the B-2 zoning district

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

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

~~(d) *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 49. Section 28.1521. is hereby repealed in its entirety

28.1521. Regulations for the manufacturing zoning districts.

~~(a) *Permitted sign types.* In M-1, M-2, O-R and O-R-M zoning districts only the following types of signs are permitted:~~

~~Awnings and canopies~~

~~Freestanding signs~~

~~Wall signs~~

~~Signs accessory to parking areas~~

~~Directional signs in the public right-of-way~~

~~Real estate signs~~

~~Ornamental or entry gate signs~~

~~Window display~~

~~Political campaign signs~~

~~Developers' temporary signs~~

~~Signs on public utility facilities or public facilities~~

~~Contractors' signs~~

~~Public Hearing Notice Signs~~

~~(b) *Surface Area.* Total surface area of all signs on a zoning lot shall not exceed one (1) square foot per foot of street frontage.~~

~~(c) *Height.* Freestanding signs shall not exceed six (6) feet in height. Developers' temporary signs shall not exceed ten (10) feet in height.~~

~~(d) *Location.* Freestanding signs may be located within the required yard adjacent to a street but not less than ten (10) feet from the lot line.~~

~~(e) *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, or within the planned development upon which the sign is located.~~

~~(f) *Lots with Street Frontage on Ogden Avenue.* Signs on lots in the M-1 zoning district with street frontage on Ogden Avenue may conform to the provisions of Section 28-1520 applicable in B-3 zoning districts rather than the provisions in Section 28-1521.~~

Section 50. Section 28.1522. is hereby repealed in its entirety

28.1522. Enforcement.

~~(a) *Notice of Violation.* Except as provided in paragraph (b) below, if the Director finds that any sign has been erected in violation of the provisions of this Article, or is unsafe or insecure, he shall give written notice to the owner and/or occupant of the property on which the sign is located. If such owner or occupant fails to remove or alter the sign to comply with the provisions of this Article within ten (10) days after such notice, the Director shall cause such sign to be removed by the Village without further notice. The owner and occupant of the property shall be jointly responsible for the cost of such removal which may be recovered by the Village in an action at law or by filing a lien against the property after notice to the property owner.~~

~~(b) *Temporary Signs.* If the Director finds that any temporary sign has been erected in violation of~~

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~~the provisions of this Article, or is unsafe or insecure, he shall give written notice to the owner and/or occupant of the property on which the sign is located or to the person or organization whose message is on the sign. If the sign is not removed or altered to comply with the provisions of this Article within 24 hours of such notice, the Director shall cause such sign to be removed by the Village without further notice. The owner and occupant of the property shall be jointly responsible for the cost of such removal which may be recovered by the Village in an action at law or by filing a lien against the property after notice to the property owner.~~

~~(e) Immediate Removal. The Director may cause any sign which poses an immediate threat of harm to persons or property to be removed summarily and without notice. The cost of such removal shall be collected from the owner and/or occupant of the property by an action at law or assessed as a lien against the property where such sign is located after notice to the property owner.~~

Section 51. Section 28.1523. is hereby repealed in its entirety

28.1523. Modifications and variations by the Zoning Board of Appeals.

~~The Zoning Board of Appeals or Plan Commission, upon petition made pursuant to Article XVIII of this Zoning Ordinance, and after a public hearing on such petition, may vary, or otherwise modify, the petition of any provision of this Article to any particular case when, in the opinion of such Board or Commission, the literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of this Article or the public interest. The decision of the Zoning Board of Appeals or Plan Commission shall specify the nature of the variation or other modification, the conditions upon which it is made, if any, and the facts or other reasons supporting the action taken.~~

Section 52. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 53. 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