

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

HEARING DATE: September 21, 2009

FROM: Department of  
Community Development

PREPARED BY: Michael S. Toth  
Planner I

**TITLE**

**PC 09-26; Text Amendments to the Lombard Zoning Ordinance:** The Village of Lombard is proposing text amendments to the Lombard Sign Ordinance with regard to temporary signage.

**GENERAL INFORMATION**

Petitioner: Village of Lombard  
255 E. Wilson Ave  
Lombard, IL 60148

**ANALYSIS**

**DESCRIPTION**

Recently, an issue in sign regulation has come up nationally regarding whether or not a sign is regulated based upon content or other factors such as aesthetics and traffic safety. As such, Village staff conducted an analysis of all temporary signage in accordance with the Lombard Sign Ordinance. Based upon the result of the analysis and feedback from the workshop session with the Plan Commission, the Village is proposing text amendments to the Lombard Sign Ordinance with respect to development, political campaign, real estate and other temporary signs.

**INTER-DEPARTMENTAL REVIEW COMMENTS**

**PUBLIC WORKS**

**Engineering**

Public Works Engineering has reviewed the petition and has no comments.

**Utilities**

The Utilities Division of the Department of Public Works does not have any comments on the subject petition.

**PRIVATE ENGINEERING SERVICES**

The Private Engineering Services Division of Community Development has no comments.

**FIRE DEPARTMENT**

The Fire Department has reviewed the petition and has no comments.

**BUILDING DIVISION**

Upon review of the above referenced request for proposed text amendments to the Sign Ordinance, the Building Division has no comments at this time.

**PLANNING**

The Lombard Sign Ordinance currently regulates the different types of signs based upon the content of the sign. The Sign Ordinance specifically regulates those different signs to include: development, political campaign, real estate, rummage or garage sale and other temporary signs. As there are different size and time requirements for the aforementioned signs, they are regulated based upon the content or purpose of the sign. Table 1 below depicts some of the regulations for each of the signs previously discussed.

*Table 1-Current Sign Regulations*

<b>Sign Type</b>	<b>Max Size</b>	<b>Number</b>	<b>Duration</b>	<b>Height</b>
Development Signs	12 sq. ft./ 32 sq. ft. (1 acre +)	1 (per premises)	Removal upon project completion	n/a
Political Campaign Signs	12 sq. ft.	n/a	60 days (removal 48 hours after election)	n/a
Residential Real Estate Signs	6 sq. ft.	1 (per residence)	Remove 7 days after sale or lease	n/a
Rummage or Garage Sale Signs	n/a	1 (per street exposure)	5 days max	n/a
Temporary Signs	32 sq. ft.	1 (per street exposure)	Up to 8 permits per year for no more than 60 days. The total allowed for any calendar year is 120 days (removal 24 hours after event)	n/a

As depicted in Table 1 above, the existing Ordinance contains inconsistencies, especially related to political speech. For example, Section 153.227 of the Sign Ordinance prohibits any political campaign sign from exceeding twelve (12) square feet, however other temporary signs can be up to 32 square feet in size. Therefore, during the last election season, staff allowed for political campaign signs to be as large as 32 square feet in area, despite what the Village Sign Ordinance allowed. As a result, the proposed new changes are meant to codify what the current code requires, but yet still create consistency.

**Plan Commission Workshop**

Staff conducted a workshop on this issue during the August 17, 2009 Plan Commission meeting. The intent of the workshop was to gather the thoughts and recommendations of the Plan Commission relative to the proposed temporary signage text amendments. Some of the comments

raised by the Commissioners were questions related to enforcement, signage on residential properties as it relates to the different land uses (churches, schools, etc), lighting, signage definitions and goals of the proposed amendments. The proposed amendments prepared by staff attempt to address the questions raised. Staff will be presenting a PowerPoint presentation at the September 21, 2009 Plan Commission meeting.

**Proposed Changes**

The proposed amendments to the Sign Ordinance attempts to create consistency, while still keeping with the intent of the existing Ordinance with regards to size, location and permitted number of signs. Some of the changes were modeled from the Village of Oak Lawn Sign Ordinance and comments by Village Counsel. Development, political campaign, real estate, and temporary signs will still remain as separate categories; however, the regulations would be amended to create consistency. The following is a summary of the proposed changes:

*Development Signs, Political Campaign Signs and Real Estate Signs*

As previously mentioned, the subject signs will remain to be listed as separate provisions. Staff believes that they could be classified as a hybrid between a temporary sign and a permanent sign as their time period may vary depending on the event.

*Table 2- Proposed Development Sign Regulations*

<b>Property Type</b>	<b>Max Size</b>	<b>Number</b>	<b>Duration</b>	<b>Location</b>
Attached, Two-Family & Detached Dwellings	12 sq. ft.	1 (per street exposure)	Sign(s) shall be removed within 10 days upon completion of construction on the premises.	On private property with the property owner's consent. No signs shall be located in the clear line of sight area.
All others- Permit is required	32 sq. ft.	1 (per street exposure)	Sign(s) shall be removed within 10 days upon completion of construction on the premises.	On private property with the property owner's consent. No signs shall be located in the clear line of sight area.

*Table 3-Proposed Political Campaign Sign Regulations*

<b>Property Location</b>	<b>Max Size</b>	<b>Number</b>	<b>Duration</b>	<b>Location</b>
Attached, Two-Family & Detached Dwellings	12 sq. ft.	Any number permitted	Allowed (90) days before an event, and shall be removed within ten (10) days after the event	On private property with the property owner's consent. No signs shall be located in the clear line of sight area.
All others	32 sq. ft.	Any number of signs 12 square feet or less in area shall be permitted. No more than 1 sign per street exposure shall be permitted for sign(s) greater than 12 sq. ft.	Allowed (90) days before an event, and shall be removed within ten (10) days after the event	On private property with the property owner's consent. No signs shall be located in the clear line of sight area.

*Table 4-Proposed Real Estate Sign Regulations*

<b>Property Location</b>	<b>Max Size</b>	<b>Number</b>	<b>Duration</b>	<b>Location</b>
Attached, Two-Family & Detached Dwellings	12 sq. ft.	1 (per street exposure)	Sign(s) shall be removed within 10 days upon the sale or lease of the property.	On private property with the property owner's consent. No signs shall be located in the clear line of sight area
All others- Permit is required	32 sq. ft.	1 (per street exposure)	Sign(s) shall be removed within 10 days upon the sale or lease of the property.	On private property with the property owner's consent. No signs shall be located in the clear line of sight area

The most notable change will affect the property for which a sign is located. The proposed amendment breaks the property location into two categories: attached, two-family & detached dwellings and all other properties. The area of development, political campaign, and real estate signs in attached, two-family & detached dwellings could not exceed 12 sq. ft. total area. For all other properties, the area of a sign on any one parcel could not exceed 32 sq. ft. per street exposure. The rationale for attached, two-family & detached dwellings pertains to the intended use of the property. Staff believes that the aforementioned signs on those specified residential properties should be smaller in area, due to safety and aesthetics.

Temporary Signs

Under the proposed amendments; pennant signs, banner signs, inflatable signs and window signs will be regulated with regard to location, duration, property type, number, area and height. In addition, each of the aforementioned signs will also be given a definition (if one has not already been provided). The definitions themselves will be used as a regulatory tool of enforcement as the definitions relate to the sign materials and purpose. Tables 5 below shows how each sign will be regulated based on type, number allowed, size and height.

*Table 5*

<b>Sign Type</b>	<b>Number Allowed</b>	<b>Maximum Sign Area</b>	<b>Height</b>
Pennants	n/a	n/a	n/a
Banners	1 per street exposure	32 sq. ft.	n/a
Inflatable	1 per business	n/a	25 ft.
Window	n/a	Total area of all signs shall not exceed 20 percent of total window area.	n/a

In addition to providing a table to regulate temporary signs by type, number and size, the proposed amendments also provide a table (Table 6 below) which will regulate temporary signs by type and property location and whether or not a building permit is required.

Table 6

Sign Type	Attached, Two-Family & Detached Dwellings	All Other Areas
Pennants	P <sup>2</sup>	P <sup>2</sup>
Banners	N	P
Inflatable	N	P <sup>2</sup>
Window	Y <sup>1</sup>	Y

- Y = Allowed without sign permit.  
P = Allowed only with sign permit.  
N = Not allowed.

1. = No commercial message allowed on sign, except for a commercial message drawing attention to an activity currently and legally offered on the premises.  
2. = No text, graphic, logo or symbol shall be displayed on any surface.

The existing temporary sign regulations for garage and rummage sales and residential direction signs would remain unchanged..

Staff's response to the standards for text amendments is attached as Exhibit A. The proposed text amendments to the Lombard Zoning Ordinance are attached as Exhibit B.

## FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 09-26.

Inter-Departmental Review Group Report Approved By:

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William Heniff, AICP  
Director of Community Development

### **Exhibit A - Standards for Text Amendments**

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff's response are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed text amendments are comprehensive in nature and would uniformly affect all zoning districts within the Village.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed amendments are intended to recognize that there is a need to provide greater consistency when regulating signage. The Lombard Sign Ordinance currently regulates the different types of temporary signs based upon the content of the sign. The Sign Ordinance specifically regulates those different signs to include: Development Signs, Political Campaign Signs, Residential Subdivision Signs, Real Estate Signs and Rummage or Garage Sale Signs. These signs make up the majority of signs found in a residential area; however, each sign serves a different purpose. As there are different size and time requirements for the aforementioned signs, they are regulated based upon the content or purpose of the sign.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendments only address temporary signage. Moreover, if there were in fact a non-conformity created, it would eventually be brought into compliance due to durational limitations of the sign

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The intent of the proposed amendments is not to make the Sign Ordinance more permissive or restrictive, but rather to ensure that all signage receives equal regulation, regardless of the content displayed on the sign. The proposed amendments will alter the format of the Sign Ordinance with regard to temporary signage, but the regulations (size, location, etc) will mostly remain the same.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

Staff believes that the proposed text amendments are consistent with the Comprehensive Plan. An objective of the Comprehensive Plan is to improve and maintain the attractive appearance of all areas of the Village. The proposed amendments were originally initiated in order to provide greater consistency when regulating signage, more specifically signage content; however, proposed

amendments address appearance by regulating signage through the appropriate land use designation and the geographic size of the property.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Zoning and Sign Ordinance to address evolving circumstances presented by petition or to clarify the intent of the Ordinance provisions. Any regulation that specifically limits political speech beyond those allowed for other types of temporary signs may not be content neutral and could be successfully challenged based on past case law. Under these findings it was deemed that the Sign Ordinance should be content neutral and should not have differing size requirements. As such, staff was directed to examine amendments to the Sign Ordinance relative to temporary signage. Furthermore, the proposed amendments are consistent with established Village policy in this regard.

**Exhibit B- Proposed Text Amendments**

**§153.215 DEVELOPMENT SIGN**

It is unlawful to construct, erect, locate or maintain any Development Sign except in compliance with the following provisions:

(A) ~~Detached Single Family Residences~~ Attached, Two-Family & Detached Dwellings

(1) Area: Signs on individual lots shall be no more than twelve (12) square feet in area.

~~(b) For single family residential subdivisions over one acre, the maximum allowable area is thirty two (32) square feet per acre but shall not to exceed ninety six (96) square feet.~~

(2) No more than one (1) sign per ~~premises~~ street exposure.

(3) Duration: Sign(s) shall be removed within 10 days upon completion of construction on the premises.

(4) Location: Sign(s) shall be on private property with the property owner's consent. No sign(s) shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance.

(B) ~~Uses other than Detached Single Family Residences~~ All others

(1) A permit must be obtained prior to the installation of any Development Sign(s).

(2) No more than one (1) sign per street exposure.

(3) Area: Sign(s) shall not exceed thirty-two (32) square feet in area.

~~(1) Area: The total allowed signage shall not exceed the maximum allowed for a Freestanding Sign, by right in the underlying zoning district multiplied by the number of street frontages abutting the subject property. Every property is entitled to a minimum of thirty two (32) square feet in area and the total area of all signs on the property shall not exceed one hundred twenty five (125) feet. Signage may be allocated in any proportion deemed necessary and is not limited to one (1) sign per street frontage.~~

(4) Duration: Sign(s) shall be removed prior to the issuance of a the final Certificate of Occupancy/Zoning Certificate.

(5) Location: Sign(s) shall be on private property with the property owner's consent. No sign(s) shall be located in or on the public right of way, sidewalk or other public



thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance.

### **§153.227 POLITICAL CAMPAIGN SIGNS**

It is unlawful to construct, erect, or maintain any Political Campaign Signs without complying with the following provisions:

~~(A) Size: Signs or posters up to an area of twelve (12) square feet.~~

~~(B) Location: Signs are only permitted on private property with the property owner's consent.~~

~~(C) Duration: Signs displayed no more than sixty (60) days; removal within forty-eight (48) hours after the election to which the information on the sign pertains.~~

(A) Detached Single Family Residences Attached, Two-Family & Detached Dwellings

(1) Area: Sign(s) shall not exceed ~~six (6)~~ twelve (12) square feet in area.

(2) Number: Any number of signs are permitted.

(3) Location: Sign(s) shall be on private property with the property owner's consent. No sign(s) shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance.

(3) Duration: Sign(s) shall remain on the location where they are erected or placed for a period of not more than ninety (90) days before an event, and shall be removed within ten (10) days after the event to which they relate has ended.

(B) All others

(1) Area: Sign(s) shall not exceed ~~six (6)~~ thirty-two (32) square feet in area.

(2) Number: Any number of signs twelve (12) square feet or less in area shall be permitted. No more than one (1) sign per street exposure shall be permitted for Sign(s) greater than twelve (12) square feet in area.

(3) Location: Sign(s) shall be on private property with the property owner's consent. No sign(s) shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance.

(3) Duration: Sign(s) shall remain on the location where they are erected or placed for a period of not more than ninety (90) days before an event, and shall be removed within ten (10) days after the event to which they relate has ended.

### **§153.229 REAL ESTATE SIGNS**

It is unlawful to construct, erect, or maintain any Real Estate Signs without complying with the following provisions:

#### **(A) ~~Detached Single Family Residences~~ Attached, Two-Family & Detached Dwellings**

(1) No more than one (1) sign per ~~residence~~ street exposure.

(2) Area: Sign(s) shall not exceed ~~six (6)~~ twelve (12) square feet in area ~~and may advertise the sale, rental, or lease of the premises upon which the sign is located~~

(3) Duration: Sign(s) shall be removed within ~~seven (7)~~ ten (10) days of the closing, sale or rental of the property.

(4) Location: Sign(s) shall be on private property with the property owner's consent. No sign(s) shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance.

#### **(B) ~~Uses other than Detached Single Family Residences~~ All others**

(1) A permit must be obtained prior to the installation of any Real Estate Sign(s).

(2) No more than one (1) sign per street exposure.

(3) Area: Sign(s) shall not exceed thirty-two (32) square feet in area.

(4) Duration: Sign(s) shall be removed within ~~seven (7)~~ ten (10) days of the closing, sale or rental of the property.

(5) For signs which advertise the lease or rental of available floor area within a non-residential building, a permit shall be issued upon determination by the Director that twenty-five percent (25%) or more of the leasable floor area is vacant or that one hundred percent (100%) of the leasable floor area will be vacant within 90 days. The applicant shall provide all documentation deemed necessary by the Director to determine the actual vacancy rate.

(6) Location: Sign(s) shall be on private property with the property owner's consent. No sign(s) shall be located in or on the public right of way, sidewalk or other public

thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance.

### **§153.237 TEMPORARY SIGNS**

The provisions of this Chapter shall regulate all Temporary Signs, with the exception of Temporary Signs which are specifically described and regulated in other sections of this Code. (See Sections 153.205 & 153.206, entitled, "Signs Not Subject to Permit Fee" and "Signs Not Subject to Permit"). It is unlawful to construct, erect, or maintain any Temporary Signs without complying with the following provisions:

~~A Area: No temporary sign shall exceed thirty two (32) square feet in sign area. The area of the temporary sign shall not be included in the total sign area when determining compliance with the maximum sign area limitations for permanent signs.~~

~~B Number: Not more than one temporary sign, as defined by this Chapter, shall be permitted per establishment on a parcel of property, except when a property abuts two or more streets, then one (1) sign shall be permitted for each street frontage.~~

€ A. Location:

(1) Non-Residential Districts: Temporary signs shall only be affixed to the following permanent structures: façade of a principal structure, wall of an accessory structure, fence, permanent freestanding sign, or shopping center identification sign. Signs shall only be affixed to a single structure at all corners of the sign and shall not be erected in a manner in which the sign is suspended and/or extending the distance between two separate structures.

(2) Residential Districts: In addition to the regulations outlined in Section 153.235(C)(1) above, Temporary signs shall also be permitted to be affixed to the ground provided that the sign is securely erected.

(3) All Districts: No temporary signs shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance. Inflatable signs may be erected on top of structures or on the ground. Inflatable signs erected on the ground shall not be tethered or otherwise suspended above the ground, but shall be fastened directly to the ground without any vertical clearance between the inflatable sign and the ground.

D. Permit Limitations

~~(1) A permit must be obtained for all temporary signs. However, an existing permitted temporary sign can be removed and replaced with another temporary sign without obtaining an additional permit, provided that all of the following conditions are met:~~

~~a. The permit has not expired.~~

~~b. The new temporary sign is of the same material as the sign for which the permit was issued.~~

~~c. The new temporary sign has the same dimensions as, or smaller dimensions than, the sign for which the permit was issued.~~

~~d. The new temporary sign is place in the same location as the sign for which the permit was issued.~~

~~(2) Up to eight (8) temporary permits may be issued for any one business in any calendar year, provided that the total of all permits issued does not exceed one hundred twenty (120) days in any calendar year.~~

~~(3) A non-renewable permit for a period of up to sixty (60) days may be issued for a temporary sign in lieu of a permanent wall sign, provided that a permit for a future permanent wall sign has been submitted.~~

~~(4) The petitioner shall indicate on the permit application the start date, end date, and number of days for which the permit will be applicable. The temporary sign shall be removed within twenty-four (24) hours after the expiration of the permit.~~

~~(5) If the petitioner requesting the temporary sign is not the owner or a lessee of the property on which the sign will be located, then the petitioner shall submit a written letter of consent from the property owner allowing the sign to be placed on the property.~~

~~E. Insurance Requirements: Insurance requirements provided for in this Chapter shall apply to temporary signs unless the Director determines that by reason of the nature of the sign and the material of which it is instructed, that no insurance shall be required.~~

~~F. Permit Fees: Every application, before being granted a temporary sign permit under this chapter, shall be subject to the Administrative fee as is established in Section 150.141(A) of the Code of Ordinances.~~

B. Construction: Temporary signs must be maintained in a structurally safe and presentable manner.

C. Duration: Temporary signs shall be allowed for the specified periods set forth below:

a. Inflatable Signs: No inflatable sign shall be permitted on the same parcel for a period of more than seven (7) consecutive days in any year, or for more than a total of fourteen (14) days in any year.

b. Pennants: No pennants shall be permitted on the same parcel for a period of more than fourteen (14) consecutive days in any year, or for more than a total of fifty-six (56) days in any year.

c. Banners: Up to eight (8) temporary permits may be issued for any one business in any calendar year, provided that the total of all permits issued does not exceed one hundred twenty (120) days in any calendar year.

d. Window Signs: There shall be no time restriction placed on any window sign that is maintained in a safe and presentable manner.

D. Permitted Temporary Signs By Sign Type And Property Type: Temporary signs shall be allowed in the Village in accordance with the following table:

PERMITTED TEMPORARY SIGNS BY SIGN TYPE AND PROPERTY TYPE

<b>Sign Type</b>	<b>Attached, Two-Family &amp; Detached Dwellings</b>	<b>All Other Areas</b>
Pennants	P <sup>2</sup>	P <sup>2</sup>
Banners	N	P
Inflatable	N	P <sup>2</sup>
Window	Y <sup>1</sup>	Y

Y =Allowed without sign permit.

P = Allowed only with sign permit.

N =Not allowed.

1. = No commercial message allowed on sign, except for a commercial message drawing attention to an activity currently and legally offered on the premises.

2. = No text, graphic, logo or symbol shall be displayed on any surface.

E. Permitted Number And Size Of Temporary Signs By Sign Type: The number and size of temporary signs shall be allowed in accordance with the following table:

PERMITTED NUMBER AND SIZE OF TEMPORARY SIGNS BY TYPE

<u>Sign Type</u>	<u>Number Allowed</u>	<u>Maximum Sign Area</u>	<u>Height</u>
<u>Pennants</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Banners</u>	<u>1 per street exposure</u>	<u>32 sq. ft.</u>	<u>n/a</u>

<u>Inflatable</u>	<u>1 per business</u>	<u>n/a</u>	<u>25 ft.</u>
<u>Window</u>	<u>n/a</u>	<u>Total area of all signs shall not exceed 20 percent of total window area.</u>	<u>n/a</u>

n/a =Not applicable.

**SECTION 155.802 RULES AND DEFINITIONS**

**ATTENTION GETTING DEVICE** Any ~~pennant~~, flag, festoon, valance, ~~banner~~, propeller, pole covers, spinner, streamer, searchlights, ~~balloons two (2) feet or less measured in any dimension~~, and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising, without conveying a specific message or copy.

**SIGN, BALLOON** A type of ~~attention-getting device~~ inflatable which retains its shape from inflating with air, helium, or other gaseous elements. ~~Such balloons may be of various shapes, sizes, and characters. Any balloon which~~ and is two (2) feet or less measured in any dimension. shall be regulated as an attention-getting device.

**SIGN, BANNER** A temporary sign constructed of cloth, canvas, light fabric or other light materials, without a frame and is attached by means of wire, steel cables or similar safe fastening.

**SIGN, INFLATABLE** A type of temporary sign which is two (2) feet or more when measured in any dimension and retains its shape from inflating with air, helium, or other gaseous elements. Such balloons may be of various shapes, sizes, and characters.

**PENNANTS** A long, tapering, usually triangular flag, used as an attention-getting device. No text, graphic, logo or symbol shall be displayed on pennants.

**DWELLING, ATTACHED** is one which is joined to another dwelling at one or more sides by party walls.

**DWELLING, DETACHED** is one which is entirely surrounded by open space on the same lot.

**DWELLING, TWO-FAMILY** is a building containing two (2) dwelling units, attached either vertically or horizontally.

**DWELLING UNIT** shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, and eating.