

ARTICLE IX. DISTRICT REGULATIONS OF GENERAL APPLICABILITY

PART I - ACCESSORY AND TEMPORARY STRUCTURES AND USES

9-102: ACCESSORY STRUCTURES AND USES

- A. Authorization. Subject to the limitations of this Section 9-101, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district.
- B. Definition. An accessory structure or use is a structure or use that:
1. Is subordinate in area, extent and purpose to, and serves, a principal structure or use;
 2. Is customarily found as an incident to such principal structure or use;
 3. Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
 4. Is, except as otherwise expressly authorized by the provision of this Code, located on the same zoning lot as such principal structure or use; and
 5. Is under the same ownership and control as the principal structure or use.
- C. Certificate of Zoning Compliance Required. When required by Subsection 11-401 C of this Code, a Certificate of Zoning Compliance evidencing the compliance of the accessory use or structure with the provisions of this Code shall be obtained before any such accessory use or structure is established or constructed.
- D. Special Regulations Applicable to Particular Accessory Structures and Uses.
1. Accessory Structures and Uses.
 - (a) Except as permitted in this zoning code for a specific permitted use, no accessory building, structure or land shall be used for the keeping, propagation or culture of pigeons, poultry, rabbits, bees or livestock whether or not for profit.
 - (b) Any person desiring to construct and install an accessory structure proposed to cover at least twenty (20) percent of the required rear yard shall be required to submit a site drainage plan after an onsite inspection has been completed by the City and obtain approval from the Community Development Director and City Engineer.
 - (c) In no circumstance shall an accessory structure be larger than the principal structure regardless of the permitted size in Subsection 9-101 D(2)
 - (d) Accessory buildings, structures, and uses shall not be erected or altered in required yards, courts, or other open areas, except those that are permitted in this zoning code as obstructions in yards, courts, or other open areas. The permitted accessory structures, and additional standards, are as follows:

- (i) Not to exceed more than one (1) story or fifteen (15) feet in height from the ground to the peak of the roof;
- (ii) Accessory buildings and structures shall be located not less than three (3) feet from a lot line of an adjoining lot;
- (iii) Only covered porches or decks shall be allowed in any required front yard, and these accessory structures can only encroach a maximum of 10 feet in the required front yard and in no event may be located nearer than 15 feet from the closest edge of any adjacent sidewalk to the front yard. In the event when no sidewalk exists, the structure may not be located closer than 20 feet from the closest edge of the curb on any adjacent street to the front yard;
- (iv) Patios constructed of concrete, asphalt, brick pavers, or any other impervious materials excluding driveways;
- (v) Hot tubs, or any other structures (no more than 120 square feet); and
- (vi) Attached accessory structures, seasonal rooms, covered porches or decks;
- (vii) In no circumstance shall any accessory structure be located in a drainage easement or public utility easement without permission from the utility company and
- (viii) One gazebo will be allowed and size regulated by 9-101D2(b).

2. Storage. Except as otherwise expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use; where so permitted. Accessory structure storage structures shall comply with the structural guidelines of the City Building Code.

(a) Detached Garages. Detached garages shall comply with the following floor area square footage limitations. Any second garage being constructed on a lot will require the approval of the Planning and Zoning Commission:

- (i) Not more than 528 square feet on a lot less than or equal to 7,500 square feet;
- (ii) Not more than 660 square feet on a lot between 7,501 – 9,999 square feet;
- (iii) Not more than 800 square feet on a lot between 10,000 – 21,779 square feet;
- (iv) Not more than 1,000 square feet on a lot greater than 21,780 square feet.
- (v) No more than one (1) garage attached or detached on a lot less than 14,999 square feet.
- (vi) No more than two (2) garages on a lot, one (1) must be attached and one (1) must be detached on a lot between 15,000 square feet and 21,779 sf.
- (vii) No more than two (2) garages on a lot, either attached or detached on a lot greater than 21,780 sf.

- (b) Sheds. One shed per zoning lot maximum, and sheds shall comply with the following floor area square footage and height limitations:
- (i) Not more than 120 square feet on a lot less than 7,500 square feet or less;
 - (ii) Not more than 168 square feet on a lot between 7,501- 9,999 square feet;
 - (iii) Not more than 192 square feet on a lot between 10,000 – 21,779 square feet;
 - (iv) Not more than one (1) percent of the total lot size on a lot greater than 21,780 square feet; and
 - (v) Not to exceed (14) feet in height from the ground to the peak of the roof.

3. Residential Recreational Facilities.

- (a) Use. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests.
- (b) Landscaping and Screening. See Subsection 9-107 of this Article for landscaping and screening requirements applicable to such facilities.
- (c) Pools. No pool, or any equipment appurtenant thereto, shall be located:
- (i) In any required front yard;
 - (ii) In any required corner side yard;
 - (iii) Less than six (6) feet from any property line if located in any required rear yard or required interior side yard; and
 - (iv) Less than ten (10) feet from any structure, garage, shed or principal house.
- (d) Decks. No deck, or any equipment appurtenant thereto, shall be located:
- (i) Less than three (3) feet from any side property line for all decks; and
 - (ii) Less than fifteen (15) feet from any rear property line for all decks.
- (e) Fire Pit: No fire pit, or any equipment appurtenant thereto, shall be located:
- (i) Below ground fire pits and free standing fireplaces must be located a minimum of 25 feet away from any structure/combustible material or
 - (ii) Portable fire pits must be located a minimum of 15 feet from any structure /combustible material.

Refer to Section International Fire Code Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplace.

4. Accessory Parking Lots in Single Family Residential District. Except when approved as part of a special use permit, parking lots shall not be permitted as an accessory use in any single family residential district.
5. Off Street Storage of Recreational Vehicles, Boats, and Trailers. The following provisions of this section shall govern the off street storage of recreational vehicles, boats and trailers within all zoning districts. This provision shall not apply to any property specifically licensed and zoned for sales or storage of such vehicles.
 - (a) Definitions.
 - (i) “Storage” shall mean the off-street parking of a vehicle for a continuous period of time longer than seventy-two hours.
 - (ii) “Recreation vehicle” shall mean campers, motor homes, off road motorcycles, 3 or 4 wheeled all terrain vehicles, snowmobiles, jet skis and other vehicles intended for recreational use.
 - (b) Classification of Vehicles. Recreational vehicles, boats and trailers shall be classified as follows according to size, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any other governmental body:
 - (i) Class I Vehicle. A recreational vehicle, boat or cargo trailer that does not exceed 26 feet in length, including the length of any trailer.
 - (ii) Class II Vehicle. A recreational vehicle, boat or cargo trailer that is greater than 26 feet and less than 40 feet, including the length of any trailer.
 - (iii) Class III Vehicle. A recreational vehicle, boat or cargo trailer that is 40 feet or greater, including the length of any trailer.
 - (c) Location on Lot. The parking of boats, recreational vehicles, and trailers shall not encroach onto sidewalks or other areas of public right-of-way. The parking of recreational vehicles, boats and cargo trailers shall be restricted to the locations of the lot identified as follows:
 - (i) Class I Vehicle. Any location on the lot.
 - (ii) Class II Vehicle. Within an enclosed garage, anywhere within a required rear yard, or anywhere within an interior side yard of a lot.
 - (iii) Class III. Nowhere on the lot.
 - (d) Hard Surface Requirement. Boats, recreational vehicles or cargo trailers may only be stored on hard surface areas of the lot. The hard surface requirement shall only include concrete, asphalt, paver material, grasscrete or comparable materials. Parking on grass or other non-designated areas of the lot shall be prohibited. In the rear yard, only the wheels of the boat, recreational vehicle, or cargo trailer are subject to the hard surface requirement.

- (e) Maximum Number Permitted. The maximum number of boats, recreational vehicles or cargo trailers permitted to be stored on any lot shall be limited to a total of two (2). For purposes of enforcement, multiple recreational vehicles on a single trailer shall be considered a single recreational vehicle. And, recreational vehicles stored within a garage will not be included toward the maximum of two (2) recreational vehicles per lot.
- (f) State of Operability. No boat, recreational vehicle or cargo trailer incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair at a repair facility shall be stored on any lot. Timely repair shall be a time period no longer than thirty days.
- (g) General Storage Regulations. The following general regulations shall apply to the storage of boats, recreational vehicles and trailers.
- (i) Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its mobility.
 - (ii) Residential Use Prohibited. No vehicle shall be used for living, sleeping, or housekeeping purposes.
 - (iii) Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.
 - (iv) Unsafe conditions. No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris, and combustible material.
 - (v) Inoperable Vehicles. No vehicle incapable of being driven or used for the purpose or use for which it was designed, other than a vehicle awaiting timely repair shall be stored in any parking lot or parking area. Timely repair shall be a time period of no longer than thirty days.
 - (vi) Licensing and Registration. All boats, recreational vehicles and trailers shall have current license plates and any required State or City registration displayed.
 - (vii) Storage Restricted to Owner of Lot. The allowable storage of any boat, recreational vehicle or trailer shall be limited to items legally titled to the owner or tenant of the lot.
 - (viii) On Street Parking Restriction. No person shall park a boat, recreational vehicle or trailer on any City owned street for more than eight hours at one time and not between the hours of 12:00 a.m. and 8:00 a.m.
 - (ix) Trip Preparation. All boats, recreational vehicles, and trailers may be parked in the street for a period no longer than 72 consecutive hours prior to a planned trip such parking is necessary for preparation of a trip or in returning from a trip. The owner of the boat, recreational vehicle, or trailer will be responsible for notifying Ordinance Enforcement that the vehicle will be located

- on the street no longer than 72 consecutive hours prior to the trip and no longer than 72 consecutive hours in returning from the trip.
- (x) Gravel Driveway. No new gravel driveways or gravel storage surfaces maybe constructed for the purposes of storing a boat, recreational vehicle or trailer. No existing gravel driveway shall be enlarged, altered, or otherwise changed without obtaining a permit and complying with the regulations set forth in the Chapter 90.040 Driveway Construction and Curb Cuts.
 - (xi) Commercial, Manufacturing, and Multi-Family Lots. The storage of boats, recreational vehicles, or trailers is prohibited on commercial, manufacturing, and multi-family lots unless otherwise permitted in the Zoning Code.
6. Stables. Private stables shall not be allowed as an accessory use except in compliance with the following restrictions:
- (a) Lot Area. A minimum lot area of two (2) acres shall be provided.
 - (b) Fenced Pasture Area. A minimum fenced pasture area of one (1) acre shall be provided for each horse. The fence shall be sufficient to contain the pastured horses.
 - (c) Location. The stable shall not be located within 100 feet of any property line.
 - (d) Sanitation. All feed shall be stored in rodent-proof containers. Manure in excess of ten (10) cubic yards shall be removed and properly disposed of. No manure shall be stored within 100 feet of any property line. All nuisance-causing conditions shall be immediately abated.
7. Antenna With Surface Areas of Ten (10) Square Feet or Less. Antenna and antenna support structures having a combined surface area not greater then ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
8. Antenna, other than Amateur Radio Facilities, With Surface Areas Exceeding Ten (10) Square Feet. Except for amateur radio facilities permitted pursuant to Paragraph 9-101 D8 of this Section, antenna and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve (12) feet, shall be permitted as an accessory use only in compliance with the following regulations:
- (a) Number Limited in Residential Districts. No more than one (1) such antenna and antenna support structure may be located on any zoning lot in any residential district.
 - (b) Height Limited. Unless attached to a building pursuant to Subparagraph (c) below, no such antenna or antenna support structure shall exceed 65 feet in height in the Industrial District or twelve (12) feet in heights in any other district; provided, however, that such antenna or antenna support structure

may alone or in combination exceed these height limits only if so authorized by special permit where such a special permit is allowed by applicable zoning district regulations.

- (c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
- (i) Size. The antenna and antenna support structure shall not exceed fifteen (15) square feet in area or twelve (12) feet in any dimension.
 - (ii) Height. The antenna and antenna support structure shall not extend more than three (3) feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
 - (iii) Mounting. The antenna and antenna support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
 - (iv) Color. The antenna and antenna support structure shall be of a color that blends with the roof or building side on which it is mounted.
 - (v) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
 - (vi) Other Standards. The antenna and antenna support structure shall satisfy such other design and construction standards as the Community Development Director reasonably determines are necessary to ensure safe construction and maintenance of the antenna and antenna support structure.
- (d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
- (e) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna or support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

9. Amateur Radio Facilities with Surface Area Exceeding Ten (10) Square Feet. Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve (12) feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions

- (a) Number Limited. No more than one (1) such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve (12) feet may be located on any zoning lot.
 - (b) Height Limited. No such antenna or antenna support structure shall, if ground-mounted, exceed 70 feet in height, or if attached to a building pursuant to Subparagraphs (c) below, the height therein specified.
 - (c) Attachment to Buildings Limited. No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:
 - (i) Height. The antenna and antenna support structure shall not extend more than 25 feet above the highest point of the building on which it is mounted.
 - (ii) Mounting. The antenna and antenna support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and antenna support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and antenna support structure shall be designed to withstand a wind force of 80 miles per hour without the use of supporting guy wires.
 - (iii) Grounding. The antenna and antenna support structure shall be bonded to a grounding rod.
 - (iv) Other Standards. The antenna support structure shall satisfy such other design and construction standards as the Community Development Director reasonably imposes.
 - (d) Setback from Street. No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.
 - (e) Setbacks from Adjacent Buildings. No such antenna or its support structure shall be located in any required side yard or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.
10. Uses Accessory to Hotels. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to hotels; provided that such uses are located entirely within the hotel building and with no principal exterior access:
- (a) Gift shops
 - (b) Barber shops
 - (c) Beauty shops

11. Uses Accessory to Uses in the Institutional Buildings District. Notwithstanding anything in this Code to the contrary, the following uses shall be deemed to be accessory to uses in the Institutional Buildings District:
- (a) That are permitted uses in that district; or
 - (b) For which a special permit has been lawfully issued and is in full force and effect; provided that in every case, such uses shall be located entirely within the institutional building and with no principal exterior access:
 - (i) Eating places
 - (ii) Outdoor seating accessory to permitted eating places
 - (iii) Carryout eating places
 - (iv) Drinking places accessory to permitted eating places
 - (v) Florists
 - (vi) Tobacco stores and stands
 - (vii) News dealers and newsstands
12. Uses Accessory to Open Space Uses. Notwithstanding anything in this Code to the contrary, the following use shall be deemed to be accessory to uses in the Open Space uses:
- (a) That are permitted uses in that district; or
 - (b) For which a special permit has been lawfully issued and is in full force and effect; provided that such uses shall be located entirely within the open space and with no principal exterior access:
 - (i) Eating places
 - (ii) Outdoor seating accessory to permitted eating places
 - (iii) Carryout eating places
 - (iv) Drinking places accessory to permitted eating places.
13. Accessory Day Care Centers in the Commercial, Office and Industrial Zoning Districts. Notwithstanding anything in this Code to the contrary, day care centers shall be considered permitted accessory uses in all Commercial, Office, and Industrial Districts subject to the following limitations:
- (a) The accessory day care center shall be for the exclusive use of employees of the principal use. Day care operations serving those not employed on the premises shall be deemed a separate principal use, and so regulated in accordance with this Code.
 - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations.
 - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the district in which the principal use is located.

- (d) The persons or organization operating the accessory day care center need not be employed by the owners or operators of the principal use.
14. Accessory Day Care Centers in the IB Zoning District. Notwithstanding anything in this Code to the contrary, day care centers shall be considered permitted accessory uses in the IB, Institutional Building District subject to the following limitations:
- (a) No building additions shall be permitted for such accessory day care centers, except as authorized for the principal structure in the IB District.
 - (b) All requisite state and local licenses and permits regarding day care facilities shall be required for such operations.
 - (c) All regular day care activities, including any outdoor play areas, shall be located within the building setbacks for the IB District.
 - (d) The persons or organization operating such accessory day care center need not be employed by the owners or operators of the principal use.
15. Exterior Lighting. Any permitted accessory lighting fixtures shall be so designed, arranged and operated as to prevent direct rays of light from being cast onto any adjacent property or street and so as not to produce excessive sky-reflected glare. Except for street lights, no exterior light in or adjacent to any residential district shall be so designed, arranged or operated to produce an intensity of light exceeding one-half foot candle at any residential lot line.
16. Uses Subject to Special Restrictions. Where the District Regulations of this Code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

E. Special Bulk, Yard and Space Regulations.

- 1. General Rule. Except as otherwise provided in this Subsections D and E, all accessory structures and uses shall comply with, and be included in calculating compliance with, all bulk, yard and space requirements applicable in the district in which they are located.
- 2. Special Height Limitation.
 - (a) General. No accessory structure shall exceed fifteen (15) feet in height measured from grade when located in any yard or setback required for any principal structure.
 - (b) Flagpoles. Notwithstanding the otherwise applicable height limitations in the district, flagpoles may extend to a height of ten (10) feet above the highest point of the roof of the principal structure.

(c) Antennas. Notwithstanding the otherwise applicable height limitations in the district, the height of any antenna with a surface area in excess of ten (10) square feet shall be governed by Paragraph 9-101 D of this Section.

3. Special Side and Rear Yard Regulations for Residential Recreational Facilities. Notwithstanding the otherwise applicable side and rear yard regulations established for principal structures and uses by the district regulations of this Code.

F. Use Limitations.

1. Every accessory structure or use shall comply with the use limitations applicable in the zoning district in which it is located.

2. No accessory structure or use shall be construed, established or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.

9-102: HOME OCCUPATIONS

G. Authorization. Subject to the limitations of this Section 9-102, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted to any dwelling unit.

H. Definition. A home occupation is a business, profession, occupation or trade that:

1. Is conducted for gain or support by a full-time occupant of a dwelling unit;

2. Is incidental and secondary to the use of such dwelling unit for dwelling purposes; and

3. Does not change the residential character of such dwelling unit.

I. Use Limitations.

1. Employee Limitations.

(a) The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted. In addition, where a day care nursery is operated as a home occupation, the principal provider of day care shall be domiciled in the dwelling where such day care nursery is operated.

(b) No person who is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation.

2. Structural Limitations.

- (a) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
- (b) No separate entrance shall be provided in connection with the conduct of any home occupation in a principal structure.

3. Occupational Limitations.

- (a) No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
- (b) No more than a total of 480 square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.
- (c) No stock in trade shall be displayed or sold on the premises of any home occupation except as part of a garage sale, and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
- (d) No routine attendance of patients, clients, subcontractors or employees associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to six children, including family members, at any one time may be allowed at a day care nursery operated as a home occupation, and that attendance of up to two persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation required non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency or duration of such visits.
- (e) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
- (f) No outdoor storage shall be allowed in connection with any home occupation.
- (g) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
- (h) Vehicles used in connection with any home occupation shall be subject to the requirements of Paragraph 9-101 D4 of this Article.

4. Signage and Visibility.
 - (a) No sign other than as permitted pursuant to Paragraph 9-106 F3 shall advertise the presence or conduct of the home occupation.
 - (b) Except for the identification sign permitted in Subparagraph C4(a) above, no home occupation shall be in any manner visible or apparent from any public or private street.
5. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.
6. Nuisance-causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.
7. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.

9-103: TEMPORARY USES

- J. Authorization. Subject to the limitations of this Section 9-103, temporary uses as hereinafter specified are permitted in the zoning districts hereinafter specified.
- K. Definition. A temporary use is a use that:
 1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
 2. Does not involve the construction or alteration of any permanent structure.
- L. Certificate of Zoning Compliance Required; Special Standards for Issuance and Revocation.
 1. Certificate Required. Except as provided in Paragraphs DI and D13 below, no temporary use shall be established or maintained unless a Certificate of Zoning Compliance evidencing the compliance of such use with the provisions of this Code shall have first been issued in accordance with Section 11-401 of this Code; provided, however, that permitted temporary uses of publicly owned or leased buildings and property, other than those included in Paragraph D13 below, shall be exempt from this requirement.
 2. Bases for Certificate Denial. Such a Certificate may be denied if the Community Development Director determines that the applicant has failed to comply with the standards, conditions or terms of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all City Ordinances regulating the development, use and maintenance of the property. Such a certificate shall be denied if the Community Development Director determines that the public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

3. Conditions on Certificate. Such a Certificate may be conditioned upon such special requirements as the Community Development Director may determine are necessary to achieve the purposes of this Code and to protect the public health, safety, and welfare.
 4. Revocation of Certificate. Such a Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Section 9-103, or such certificate, are violated.
- M. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:
1. Garage Sales. In any residential district, but only in compliance with the following terms and conditions:
 - (a) Garage Sale Defined. The term “garage sale” includes all general sales of goods open to the public, conducted from a residential premises including, but not limited to, all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” “rummage,” “estate,” or “moving” sale.
 - (b) Permit Required. It shall be unlawful for any person to conduct or allow a garage sale involving the sale of multiple new items of the same description without applying for and obtaining a permit therefore. Such permit shall be without charge and in a form acceptable to the Community Development Director.
 - (c) Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be required for garage sales authorized pursuant to this Paragraph 1.
 - (d) Frequency. Garage sales shall be limited to a period not to exceed three consecutive days. No more than four garage sales shall be conducted from the same dwelling unit in any calendar years, and no more than one such sale shall occur in any 30-day period.
 - (e) Hours of Operation. No garage sales shall operate before 7:30 a.m. or after sunset on any day.
 - (f) Sign Limitations. Notwithstanding the provisions of Section 9-106 of this Code, only off-site directional signs not to exceed four square feet in area shall be permitted for the purpose of advertising garage sales. Such signs shall not be erected in excess of 24 hours prior to the commencement of the garage sale and shall be removed within two (2) hours after the termination of the sale.

- (g) Location of Sale. No portion of any garage sale shall take place on any public or private landscaped area, on any public sidewalk, or on any public right-of-way.
2. Indoor and Outdoor Art, Craft and Plant Shows. In any commercial, open space or institutional building district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Any such sale shall be limited to a period not to exceed three consecutive days. In addition to the foregoing indoor and outdoor art, craft and plant shows shall be permitted in a residential district as part of a garage sale and subject to the garage sale regulations in Paragraph 9-103 D1 of this Code.
 3. Christmas Tree Sales. In any commercial or manufacturing district and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any open space or institutional buildings district; provided, however, that any such use in any open space or institutional buildings district shall be conducted solely by the officers, directors, members, and employees of any such group or organization, and any proceeds of such Christmas Tree sales shall accrue solely to such group or organization; provided, further, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed 45 days. Display of Christmas trees need not comply with the yard requirements of this Code, except that no tree shall be displayed within the Sight Triangle defined in Subsection 12-206 S of this Code.
 4. Contractors' Office and Equipment Sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.
 5. Real Estate Offices, Including Model Units. In any district when such use is accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.
 6. Carnivals and Circuses. In any non-residential district, but only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such use need not comply with the yard requirements of this Code except

that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the Sight Triangle defined in Subsection 12-206 S of this Code. Such use need not comply with the maximum height requirements of this Code. The concessionaire responsible for the operation of any such carnival or circus shall:

- (a) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles; and
 - (b) Provide for a thorough clean-up of the site upon termination of the event.
7. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use. In the II District when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:
- (a) Existing Inventory Only. No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of temporary sale.
 - (b) No Outdoor Sales. Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.
 - (c) Number and Duration of Sales Limited. Not more than four (4) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter. In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days.
8. Tents. In any district, in connection with any permitted, accessory, temporary or special permit use no tent shall be allowed to remain for a period of more than four (4) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days. Unless waived in writing by the Community Development Director, every tent shall comply with bulk, yard and space requirements applicable to accessory uses pursuant to Subsection 9-101 E of the Article.
9. Civic Uses of Public Property. In the IB District or OS District, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided that no such use shall impose an undue adverse effect on neighboring streets or property.
10. Unique Events. In any district for a period not to exceed seven (7) consecutive days; subject to such conditions and security requirements as the Community Development Director determines are necessary. Unique events shall include motion picture, video and television filming.

11. Electrical Substations. In any district; provided, however, that any such use shall require the specific prior approval of the Community Development Director on the basis of need and impact on surrounding properties.
 12. Temporary Location of Local Government Uses. The activities of units of local government and public school district may be temporarily located in any non-residential district, but only during periods of reconstruction, renovation or expansion of existing facilities for those activities at another location. No such temporary relocation shall be allowed without the prior approval by the corporate authorities by resolution duly adopted. The corporate authorities may, but shall not be required to, hold a public hearing prior to adoption of such approval resolution. Such approval by the corporate authorities shall be in lieu of any Certificate of Zoning Compliance and shall be subject to the special standards contained in Subsection C of this Section and the use limitations contained in Subsection F of this Section, all as determined and imposed by the corporate authorities, in its sole discretion.
- N. Bulk, Yard and Space Regulations. Except as expressly provided otherwise in Subsection D above, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- O. Use Limitations.
1. General Limitations. Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary use by Subsection D above. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.
 2. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Community Development Director, in the certificate required by Subsection C of this Section, on the basis of the nature of the temporary use and the character of the surrounding area.
 3. Public Safety. No temporary use shall be permitted unless the Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said Departments may require in connection with such certification. If required by the Community Development Director, operator of the temporary use shall employ a fire watch team and appropriate security personnel.
 4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
 5. Conflicts With Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. Parking. Before approving any temporary use, the Community Development Director shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Community Development Director, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in questions.

Additional Conditions. Every temporary use shall, in addition, comply with, and the Community Development Director may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.

PART 1-B PARKING AND LOADING REQUIREMENTS

9-104: off-street parking

- A. Authorization. Subject to the limitations of this section 9-104 and paragraphs 9-101 d3, d4, d5 off-street parking is permitted as an accessory use in all districts. Off-street parking as a principal use is permitted only when expressly authorized by the regulations applicable to the district in question. Nothing herein shall be construed to limit the right of any person to provide off-street parking in excess of the requirements herein established but all such parking shall comply with the standards of this section.
- B. General Requirements.
1. Applicability to Existing, New and Expanded Uses.
 - (a) General Applicability. Except as provided otherwise in this Paragraph B1, the provisions of this Section shall apply to, and off-street parking spaces sufficient to satisfy the requirements of this Section shall be provided for, all existing and new uses, in accordance with the provisions of Articles X and XII of this Code.
 - (b) Change in Existing Use. Whenever a use existing on the effective date of this Code is changed thereafter to a new use, parking facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to have no more than the same number of parking spaces required of such existing use, then such new use may be established with a deficiency in required parking spaces equal in number to not more than the number of spaces such existing use was deficient on the effective date of this Code.
 - (c) Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified herein for required parking spaces, parking spaces as required herein shall be provided for such increase in intensity of use.
 - (d) Exception for Nonconforming Locations and Design. Nothing in this Paragraph B1 shall be construed to prohibit the continued utilization of any parking space as an accessory use to any structure or use for parking of a vehicle that may lawfully be parked in such space solely because such space does not satisfy the locational or design requirements of this Code, or any amendment to it, if such space was legally in use as an accessory use to such structure or use on the effective date of this Code or such amendment.
 2. Location of Required Parking Spaces.
 - (a) General Rule. Except as provided in Subparagraphs 2(b) through 2(d) below, parking spaces required by this Section shall be located on the same zoning lot as the use to which they are accessory.

- (b) Parking for Townhouse, Two Family, and Multiple Family Dwellings. Not more than four (4) parking spaces located in a garage, driveway or other area reserved for exclusive use of the residents of an individual dwelling unit shall be counted toward the 4.5 spaces required pursuant to Subparagraph 9-104 F1(a)(5) below. At least one-half (1/2) space required for each dwelling unit shall be located in an area or areas available for use in common by at least three (3) such individual units. Such areas may include parking spaces located in parking areas or lots within the development in which such units are located, whether located on or off the lot on which such units are located; provided, however, that no such required space shall be located farther than 300 feet, measured along a paved established pedestrian circulation route, from the unit it is required to serve.

- (c) Deficiency Spaces. When proposed to provide spaces to eliminate a parking deficiency existing on the effective date of this Code or when required to provide spaces required pursuant to Subparagraph 9-104 B1(b) or Subparagraph 9-104 B1(c) above, parking spaces required by this Section may be located at any location within an adjacent district in which the principal use in question is a permitted use or within the same zoning district as, and within 300 feet of, the zoning lot on which the use to be served is located, but only when such remote site is covenanted to remain so for so long as said parking spaces are required to meet the standards of this Code.

C. Design and Maintenance. Every parking lot and garage shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:

- 1. Location on Lot. Except as provided in the applicable district regulations of this Code, off-street parking spaces may be provided on surface lots, underground, under building, in single level parking garages, or in multiple level parking garages. Parking lots and areas shall comply with the yard requirements applicable in the district in which they are located except that parking areas in Single Family Residential Districts may be located in any required yard. See also Paragraph 9-101 D for additional regulations concerning the storage of vehicles in residential districts.

- 2. Screening and Landscaping. All parking lots and garages shall comply with the screening and landscaping requirements set forth in Section 9-107 of this Article.

- 3. Design.
 - (a) Access to Street. All parking lots, areas and garages shall be so located and designed as to provide access to adjacent streets with the least interference with through traffic movements. Notwithstanding any other provision of this Code, driveways serving single family dwellings and driveways providing direct access from a parking lot to a street, may traverse any required yard; provided, however, that the surface area of any such driveway giving access from a parking lot or area through any such yard

shall not exceed thirty percent (30%) of the area of such yard. No curb cut across public property shall exceed thirty-five (35) feet in width without the written approval of the Community Development Director. No such access shall be provided through a zoning district other than the district in which the parking lot is located. No such access shall be provided through a zoning lot other than the zoning lot on which the parking is located except across a permanent, recorded access easement in form and substance satisfactory to the Community Development Director.

- (b) Turnaround Area. Every parking lot or garage, other than a parking lot or garage accessory to a single family dwelling, shall be provided with a turnaround area or other means to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- (c) Slope. No area of any parking lot or garage excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of either percent (8%).
- (d) Lighting. Fixed lighting shall be provided for all parking lots and garages accommodating more than ten (10) vehicles. Such lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times of non-use.
- (e) Tree Planting Areas; Landscaped Islands. Trees located within planting islands in paved areas shall have a minimum landscaped area of 25 square feet of surface area and a depth sufficient to allow the bottom of the tree ball to be planted with a washed gravel layer at the bottom of the tree planting area to allow proper watering and drainage. If the soil is impervious, then a drainage pipe shall connect the tree planting area to a drainage structure. All islands shall be bordered by a six (6) inch high concrete barrier curb and shall be located and constructed in accordance with accepted engineering standards unless sustainable engineering practices are used to in place of the curb.
- (f) Car Stops. Every parking lot and garage, except parking lots and garages accessory to a single family dwelling, shall be bordered by a six (6) inch high concrete curb and shall be provided with curbs, car wheel stops, guard rails, barrier fences or other suitable devices designed and located to protect required screening devices, landscaping, structures and other vehicles from damage by vehicles using such lot or garage. This provision shall not be construed to require car wheel stops for every parking space, but only in those cases where the Community Development Director determines that such stops are necessary or desirable to achieve the purposes of this Subparagraph.
- (g) Circulation Aisles. Each parking space shall be accessed by a circulation aisle of a width, in feet, as specified below:

<u>Parking Angle</u>	<u>One-Way Aisle Width</u>	<u>Two-Way Aisle Width</u>
Parallel	14	24
45°	14	24
60°	16	24
75°	20	24
90°	24	24

(h) Back-up Area. Each parking space, except spaces accessory to a single family dwelling, shall be provided with a sufficient back-up area to permit egress in one (1) maneuver, consisting of one (1) backward and one (1) forward movement.

(i) Space Dimensions. Each off-street parking space, excluding its associated circulation aisle, shall have the following minimum dimensions, in feet:

I1 and O1 Zoning Districts: Parking Dimensions (in feet).

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Stall Height</u>
Parallel	9	23	8
30°	8.5	18	8
45°	8.5	18	8
45°	8.5	18	8
60°	8.5	18	8
90°	8.5	18	8

All Zoning Districts except I1 and O1: Parking Dimensions (in feet).

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Stall Height</u>
Parallel	9	23	8
30°	9	20	8
45°	9	20	8
60°	9	20	8
90°	9	20	8

In all zoning districts, except I1 and O1, the above-stated stall length dimensions for non-parallel stalls on the perimeter of a parking lot may be reduced to include only eighteen and one-half (18.5) feet of parking surface plus one and one-half (1 ½) feet of overhang into abutting landscaped areas; provided that such reduction does not reduce the size of any required yard below the requirements in the applicable district.

In all zoning districts, the above-stated stall width dimensions shall be increased to twelve (12) feet or to the width required by state law, whichever is greater, for required handicapped parking spaces.

- (j) Landbanking To Reduce Long-Term Parking Space Dimensions. Except for parallel parking spaces, the above-stated stall dimensions may be reduced, in order to increase the amount of landscaped open space, to 18.5 feet in length and 8.5 feet in width in parking lots and structures accessory to institutional, office and manufacturing uses pursuant to a special permit granted in accordance with the procedures of Subsection E below, and where the City Council finds that the typical parking space in such lot or structure will be occupied by no more than one (1) or two (2) different vehicles during the course of the business day.
- (k) Maintenance. All tree planting areas, landscaped islands, parking lots, garages and areas shall be property maintained at all times so as to be free of weeds, pot holes, broken curbs and other damaged or neglected features.

D. Use; Other Temporary Storage.

- 1. General. No off-street parking lot or area shall be used for any purpose other than the temporary storage of motor vehicles related to the premises, except that merchandise, equipment, or materials related to the use being made of the premises may be stored for a period of time not exceeding three (3) days in any seven (7) day period.

E. Landbanking of Required Parking.

- 1. Landbanking Authorized. Notwithstanding any other provision of this Section, the City Council may, by special permit granted pursuant to Section 11-602 of this Code, reduce the total number of off-street parking spaces required to be paved pursuant to Subsection F of this Section or the stall length and width dimension required pursuant to Subparagraph 9-103C3(i) above, subject to acceptance by the property owner of the conditions set forth in Paragraphs E2 through E4 below; provided, however, that no such special permit shall allow landbanking of more than 50 percent (50%) of the parking spaces required to be provided accessory to any senior citizen housing development.
- 2. Termination of Landbanking. The City Council shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor, at any time, to increase the stall length and width to the dimension required by Subparagraph 9-104 C3(i) above or to increase the number of parking spaces provided to serve said development up to the maximum required by Subsection F of this Section for the property in question as if no special permit for landbanking had been granted.
- 3. Alternate Plans Required. Every application for a special use permit to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full stall length and width required by

Subparagraph 9-104 C3(i) above and the full number of parking spaces required pursuant to Subsection F of this Section; the other plan shall show the reduced stall length and width or the reduce number of parking spaces, or both, as the case may be, proposed to be provided pursuant to the special permit being sought and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for:

- (a) Wheel stops,
- (b) Markings,
- (c) Curbing,
- (d) Surfacing,
- (e) Screening and landscaping,
- (f) Lighting,
- (g) Signing, and
- (h) Access.

The design plans for such parking areas shall be subject to the approval of the City Council.

- 4. Open Space Covenant. As a condition of granting such special permit, the applicant shall file with the Community Development Director his unconditional agreement and covenant in form and substance satisfactory to the City Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking pursuant to such special permit. The Ordinance granting such permit, together with such agreement and covenant, shall be recorded with the Recorder of Deeds of Cook County, Illinois.

F. Required Spaces.

- 1. Specified Uses. For the following uses, the following minimum number of off-street parking spaces shall be provided:

OFF-STREET PARKING REQUIREMENTS BY LAND USE

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
a) <u>Residential</u>	
(1) Single Family Detached Dwellings	2 per dwelling unit
(2) Senior Housing	1 per dwelling unit, PLUS 1 per 2 employees

(3) Multiple Family	2.5 per dwelling unit
(4) All Other Dwellings	4.5 per dwelling unit
b) <u>Retail Space</u>	
(1) All Uses, except Gasoline Service Stations and Eating and drinking Places	1 per 250 square feet of net floor area
(2) Gasoline Service Stations	3 per service bay, PLUS 1 per employee
(3) Eating and Drinking Places	1 per 2 employees, PLUS 1 per 3 persons of design capacity
c) <u>Finance, Insurance and Real Estate</u>	
All Uses	1 per 250 square feet of net floor area
d) <u>Business and Professional Offices</u>	
(1) All Uses except as otherwise listed in this Subsection	1 per 250 square feet of net floor area
(2) Testing Laboratories	1 per 500 square feet of net floor area
e) <u>Services</u>	
(1) All Services except as specifically listed below	1 per 250 square feet of net floor area
(2) Hotels and other Lodging Places	1 per lodging room PLUS 1 per 200 square feet of net floor area devoted to affiliated meeting, lobby, recreational and administrative uses, PLUS parking for affiliated eating and drinking places as herein specified.
(3) Motion Picture Theaters	1 per 3 persons of design capacity
(4) Bowling and Billiard Establishments	5 per lane PLUS 2 per table
(5) Physical Fitness Facilities	1 per 3 persons of design capacity
(6) Membership Sport & Recreation Clubs	1 per 3 persons of design capacity
(7) Health Service Offices	1 per 200 square feet of net floor area
(8) Nursing and Personal Care Facilities	1 per 3 beds PLUS 1 for each licensed practitioner, not including nurses and assistants PLUS 1 for each additional 2 employees.
(9) Hospitals	1 per bed PLUS 1 for each licensed practitioner, not including nurses and assistants, PLUS 1 for each additional 2 employees
(10) Elementary Schools	1 per 2 employees
(11) Secondary Schools	1 per 5 students OR 1 for each 3 persons of auditorium design capacity, which ever is greater, PLUS 1 for each employee
(12) Libraries and Information Centers	1 per 500 square feet of public area PLUS 1 per 3 persons of auditorium design capacity

(13) Vocational and Correspondence Schools	1 per 200 square feet of net floor area
(14) Day Care Services	1 per employee PLUS 1 for each 10 children or non-employee adults
(16) Public Parks	None for the first acre; PLUS 5 for all additional area up to 5 acres; PLUS 5 for each acre in excess of 5 acres; PLUS one for each 5 persons of design capacity of any structure or facility located in the park
(17) Golf Courses, including all related facilities	80 for each nine holes
(18) Membership Organizations	1 per 250 square feet of net floor area OR 1 for each 4 persons or auditorium design capacity, whichever is greater
<u>f) Public Administration</u>	
All Uses	1 for each 250 square feet or net floor area OR 1 for each 3 persons of design capacity, whichever is greater
<u>g) Construction, Manufacturing, Transportation and Public Utilities</u>	
(1) Production and Assembly	1 per 600 square feet of floor area
(2) Warehouse Storage	1 per 900 square feet of floor area
(3) Office and Other Activities	1 per 250 Square feet of floor area
(4) Automated Warehouse	1 per 900 square feet of floor area
<u>h) Uses Conducted Outside Structures</u>	
All uses except as otherwise specifically listed	1 space per 1,500 square feet of outdoor area devoted to such use PLUS spaces as above required for any aspect of the use conducted within a structure

2. Unspecified Uses. When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted shall be provided.
3. Computation of Required Spaces,
 - (a) Fractional Spaces. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall require one (1) additional parking space.
 - (b) Capacity Calculations. When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Building Code.
 - (c) Bench Seating. In stadiums, auditoriums, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facility shall

be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities under this Code.

- (d) Population Calculations. When parking spaces are required on the basis of the number of employees, customers, students or similar measure, the maximum number for which the structure is designed shall govern except that when the structure has no design capacity, the maximum number present at any one time shall govern.

G. Reduction of Required Number of Parking Spaces for Automated Warehouse.

1. Reduction Authorized. Notwithstanding any other provision of this Section, the City Council may, by special permit granted pursuant to Section 11-602 of this Code, reduce the total number of off-street parking spaces required pursuant to Subsection F of this Section for Automated Warehouses to one (1) parking space for each 2,500 square feet of gross floor area subject to acceptance by the property owner of the conditions set forth in Paragraphs G2 through G4 below.
2. Alternate Plans Required. Every application for a special use permit to allow reduction of required parking spaces for Automated Warehouses shall be accompanied by alternate detailed parking plans. One plan shall show the number of parking spaces required pursuant to Subsection F of this Section; the other plan shall show the reduced number of parking spaces proposed to be provided pursuant to the special permit being sought and shall also show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for:
 - (a) Wheel stops,
 - (b) Markings,
 - (c) Curbing,
 - (d) Surfacing,
 - (e) Screening and landscaping,
 - (f) Lighting,
 - (g) Signing, and
 - (h) Access.

The design plans for such parking areas shall be subject to the approval of the City Council.

3. Covenant. As a condition of granting such special permit, the applicant shall file with the Community Development Director his unconditional agreement and covenant in form and substance satisfactory to the City Attorney that should the

property ever cease to be used as an Automated Warehouse, additional off-street parking spaces will be provided in accordance with the then applicable off-street parking requirements for such use to which the property is converted. The Ordinance granting such permit, together with such agreement and covenant, shall be recorded with the Recorder of Deeds of Cook County, Illinois.

H. OFFSTREET PARKING

1. Provision. Any project application requiring administrative review, site plan review or public hearing shall provide automobile parking and bicycle parking in off-street facilities following the minimum parking standards below.
2. Minimum Parking Requirements. Off street parking shall be regulated, as follows:

USE	MINIMUM AUTOMOBILE PARKING REQUIREMENT REFERENCE SECTION 9-104 F	MINIMUM BICYCLE PARKING REQUIREMENT
Office		1 space for every 10 employees
Retail		10% of required automobile parking spaces
Restaurant		10% of required automobile parking spaces
Civic		1 space for every 10 employees
Lodging		1 space for every 10 employees
Residential		1 per dwelling unit, single family residences excluded from requirements

For any facility use not specified above and not specifically excluded, the requirement for bicycle parking spaces shall be equal to 10% of required automobile parking spaces. In all situations there shall be a minimum of two bicycle parking spaces regardless of the requirements specified above.

3. Bicycle Parking Space Design.
 - (a) Residential. Every residential facility shall provide the required minimum number of bicycle parking spaces in a sheltered environment. A space shall be considered sheltered if there is top-side protection from weather. Bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area or may be located in front of the building along the street or near the rear access to the building. In those instances in which the building has no parking structure or other easily accessible storage unit, the bicycle parking spaces may also be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover. All bicycle parking spaces must be in an area that is accessible to all residents at all times.
 - (b) Retail and Restaurant. Individual commercial uses may provide their own parking or spaces may be clustered to serve up to six bicycles. Bicycle

parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions or may be located to the rear of the building if an automobile parking lot is adjacent. Bicycle parking for a single location must be within 50 feet of the building entrance where possible. Clusters of bicycle parking that serve multiple destinations may be located up to 100 feet away from entrances.

- (c) Office and Civic. Bicycle parking spaces shall be located in a sheltered environment. A space shall be considered sheltered if there is top-side protection from weather. Bicycle parking spaces may be located within a garage (if located in the facility in question), loading dock, indoor space, or may be located in front of the building along the street or near the rear access to the building. In those instances in which the building has no parking structure or other easily accessible storage unit, the bicycle parking spaces may also be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover. All bicycle parking spaces must be in an area that is accessible to all facility users during regular business hours which shall include at minimum the hours of nine o'clock in the morning to five o'clock in the afternoon of each weekday excluding federal holidays. Bicycle parking spaces may be located in an area requiring special security access such as a key, keycard or other access device if such access can be accomplished by the user during the specified hours. Users of bicycle parking spaces shall be granted access to the nearest entrances, exits, stairwells and elevators to the bicycle parking spaces.
- (d) Coordination with Pedestrian Needs. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 48 inches between bicycles and other existing and potential obstructions.

4. Parking Waivers. The number of off-street bicycle parking spaces required may be reduced by an administratively granted Parking Waiver approved by the Community Development Director or her/his designee under the following conditions:

- (a) The waiver requested is for 50% or less of the total required parking for the site to meet bicycle parking requirements;
- (b) The waiver is not for residential parking requirements. Residential parking requirements cannot be waived;
- (c) The applicant proves that adequate parking exists for such use, based on the unique number, type and use characteristics (i.e. peak hour or day) of those businesses or residences that currently use such a lot;
- (d) Bicycle parking with adequate capacity to accommodate all or a portion of the number of required spaces exists within 100 feet;
- (e) The owner of the building makes a payment equal to a onetime fee of \$250 per bicycle parking space that cannot be provided on the subject lot. The fees collected for the payment in lieu of parking will be used only for

the acquisition of land or construction of municipally owned or leased off street parking facilities for bicycles; landscape or streetscape; bike trails, lanes, or paths; or maintenance or illumination of off-street parking facilities. Fees shall be required for any application for parking waiver, regardless if a waiver has been previously granted.

9-109: OFF-STREET LOADING

- A. Authorization. Subject to the limitations of this Section 9-105, off-street loading is permitted as an accessory use in all districts other than single family residential districts. Nothing herein shall be construed to limit the right of any person to provide off-street loading in excess of the requirements herein established, but all such loading shall comply with the standards of this Section.
- B. General Requirements.
1. Applicability to Existing, New and Expanded Uses.
 - (a) General Applicability. Except as provided otherwise in this Paragraph B1, the provisions of this Section shall apply to and off-street loading spaces sufficient to satisfy the requirements of this Section shall be provided for all existing and new uses in accordance with the provisions of Articles X and XII of this Code.
 - (b) Change in Existing Use. Whenever a use existing on the effective date of this Code is changed thereafter to a new use, loading facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to have no more than the same number of loading spaces required of such existing use, then such new use may be established with a deficiency in required loading spaces equal in number to not more than the number of spaces such existing use was deficient on the effective date of this Code.
 - (c) Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified herein for required loading spaces, loading spaces as required herein shall be provided for such increase in intensity of use.
 - (d) Exception Notwithstanding the foregoing provisions of this Paragraph B1, no building or use lawfully existing on the effective date of this Code, or any amendment of it establishing loading requirements with respect to such structure or use, shall be required to provide any additional loading spaces pursuant to this Paragraph B1 unless and until the aggregate increase in units of measurement shall equal the full number of units for which one additional loading space would be required pursuant to Subsection 9-104 D of this Section, in which event loading spaces as required herein shall be provided for the total aggregate increase.

2. Location of Required Loading Spaces. Loading spaces shall be located on the same zoning lot as the use they serve.

C. Design and Maintenance. Every loading space shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:

1. Location on Lot. All loading spaces shall comply with the yard requirements applicable to principal uses in the district which they are located except that open loading spaces may be located in a required rear yard. No loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) public or private streets. No loading space shall be located closer to any public right-of-way than the façade of the building facing such right-of-way. No loading space shall open onto any building façade facing a public right-of-way. All loading spaces shall be located and arranged to provide logical and convenient access thereto from the use they serve.

2. Screening. All loading spaces shall comply with the screening requirements set forth in Section 9-107 of this Article.

3. Design.

(a) Access of Street. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with through traffic movements. No curb cut across public property shall exceed forty (40) feet in width without the written approval of the Community Development Director.

(b) Maneuvering Space. Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make any backing movement on or into any public or private street.

(c) Surface, Drainage and Markings. Every loading space shall be faced with an asphalt or Portland cement binder pavement providing in all-weather, durable and dustless surface, and all such construction shall meet the minimum standards for structural materials established by the City.

(d) Lighting. Fixed lighting shall be so arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times on non-use.

(e) Space Dimensions. Each loading space, excluding required maneuvering areas, shall have the following minimum dimensions, in feet:

Standard 10W x 25L x 14H
Tractor-trailer 12W x 50L x 15H

D. Required Spaces.

1. General Requirement. Loading spaces or receiving areas shall be provided in sufficient number, of sufficient size and so located that no loading and unloading operations infringe upon any street or sidewalk.
2. Minimum Requirements. For the following uses, the following minimum number of loading spaces shall be provided:

<u>USE</u>	<u>REQUIRED SPACES</u>
Hotels	1 for 10,000 to 150,000 square feet of gross floor area PLUS 1 for each additional 200,000 square feet of floor area or fraction thereof
Multiple Family Dwellings	1 for each building having in excess of 20,000 feet of floor area
Other Uses	1 for the first 150,000 square feet of gross floor area or fraction thereof PLUS 1 for each additional 200,000 square feet of gross floor area or fraction thereof

The first space required for any building having in excess of 10,000 square feet shall be sized to accommodate a tractor-trailer and, unless otherwise required by the Community Development Director, all other spaces may be standard size. The decision of the Director shall be based upon the anticipated needs of each particular building.

PART 1-C SIGN REGULATIONS

9-106 SIGNAGE

A. TITLE; FINDINGS OF FACT; PURPOSE AND INTENT.

1. *Short title.* The provisions of this Subchapter shall hereafter be known and cited as the “Sign Ordinance of the City of Oak Forest,” but is referred to internally as “Subchapter.”
2. *Findings of fact.* The provisions of this Subchapter are derived from a combination of statutory research into similar types of legislation enacted by corporate authorities throughout Illinois and other states and the need to enforce policies, plans and programs approved and enforced by the corporate authorities, as related to the following findings:
 - (a) To remain a healthy and vibrant community, the city must exercise its police power in a manner which promotes economic development, while preserving and protecting the aesthetic aspects of the community;
 - (b) The city’s land development codes, of which the signage regulations are a part, are intended to maintain and improve the quality of life for all citizens of the city, through the implementation of an official comprehensive plan;
 - (c) The city’s signage regulations must be updated and kept current so as to reflect the latest judicial and appellate decisions of the appropriate legal jurisdictions, as related to signage and constitutional protection;
 - (d) The city’s signage regulations must reflect the legal principle of content neutrality in its interpretation and enforcement of the regulations; specifically assuring the right of commercial and non-commercial messages to utilize the same means of conveyance regarding their messages;
 - (e) While recognizing the need for signage as a valid means of promoting and advertising commercial and non-commercial products, programs and points of view, the physical means used to convey such messages may not always prove to be feasible in light of the need for public safety, and as such, deserve to be regulated in a fair and expeditious manner through the provisions of this Subchapter;
 - (f) Excessive signage, particularly when clustered in close proximity, can be classified as visual pollution and in extreme cases, can serve as a distraction to pedestrians, motorists and others and require stringent regulation and oversight as provide for by these provisions;
 - (g) The existence of nonconforming signage is detrimental to public welfare and the visual aesthetics of the city; and
 - (h) The unregulated placement of billboards can be detrimental to the visual aesthetics of the city, but must be balanced by legal requirements and considerations of equality of opportunity in terms of location and administrative review.

3. *Purpose and intent.* Given the findings documented in division (2) above, the purpose and intent of this Subchapter is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior signs in the City of Oak Forest in order to:

- (a) Balance the right of individuals, institutions and organizations to identify and promote their commercial businesses and convey their noncommercial messages, reinforcing the right of free speech and protecting against active or passive censorship, while fulfilling the city's obligation to protect the public against the unrestricted proliferation of signs;
- (b) Protect the public health, safety and welfare;
- (c) Reduce traffic hazards;
- (d) Facilitate the creation of an attractive and harmonious community;
- (e) Protect property values while preserving and promoting community aesthetics;
- (f) Promote economic development;
- (g) Preserve and protect the right of free speech as exercised through the use of signs containing both commercial and non-commercial content; and
- (h) Focus the city's regulatory efforts on the secondary aspects associated with signage, insofar as the secondary effects may adversely affect aesthetics, vehicular and pedestrian safety.

4. *Application.*

- (a) It shall be unlawful to erect, use, display, enlarge, expand, alter, operate, maintain, locate, relocate, or remove any sign within the city except in conformance with the regulations of this Subchapter.
- (b) Any sign not expressly permitted by the regulations of this Subchapter shall be prohibited. Unless otherwise provided by ordinance, for any new zoning district created in the city, the applicable sign regulations for the new zoning district created in the city, the applicable sign regulations for the new zoning district shall be those that apply to signs in the Single-Family Residential Districts.

(Ord. 2006-11-0068O, passed 11-28-2006)

B. INTERPRETATIONS AND DEFINITIONS.

1. *Interpretation*

- (a) Where there is a conflict between the provisions of this Subchapter and provisions of other ordinances, codes and/or regulations of the city, the provisions specified by this Subchapter shall prevail.
- (b) Should a conflict be identified between any specific provisions of this Subchapter, the more restrictive provision shall prevail.

2. *Sign classifications.*

- (a) For purposes of this Subchapter, each sign shall be classified both according to function and structure, as follows.

3. *Functional sign types.*

- (a) *Attention getting devices.* Streamers, posters, ribbons, lights bulbs, light bands, spinners and attention-getting devices that move, blinking, electronic and/or flashing signs, except time, temperature and date signs, signs which exhibit changing natural and/or artificial light or colored effects, and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street and/or a private residence.
- (b) *Banner sign.* A sign consisting of cloth, canvas, fabric, paper or other light material that is secured or mounted so as to permit movement of the material, but not an official flag or emblem.
- (c) *Civic event sign.* A sign that announces or identifies a civic use, purpose, event or program.
- (d) *Construction sign.* A sign that announces the subdivision, development, construction or other improvement of a lot and located on that lot during the subdivision, development, construction or improvement.
- (e) *Development map or directory sign.* A sign that depicts some or all of the buildings and other prominent features of, or that lists, by address or other summary means, some or all of the locations within a multi-building development containing, and limited to, information to assist persons coming on the lot to locate destinations within the lot.
- (f) *Governmental sign.* A sign that is erected and maintained pursuant to, and in the discharge of, any governmental function, or required by any law, ordinance or governmental regulation.
- (g) *Holiday decorations.* Signs that are in the nature of decorations, clearly incidental to, and customarily and commonly associated with, any national, local or religious holiday.
- (h) *Home occupation sign.* A sign that identifies a home occupation.

- (i) *Identification sign.* A sign that is limited in content to the name, trademark or other readily recognized symbol or address, or any combination thereof, of a building or development that advertises the name of a business, profession or service being conducted on the lot on which the sign is located.
- (j) *Inflatable sign.* A temporary sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled sufficient volume of air or gas.
- (k) *Joint-identification sign.* A sign that serves as a common or collective identification sign for two or more business, professional or service uses on the same lot.
- (l) *Lawn service sign.* A sign that announces that lawn services are provided on a lot.
- (m) *Memorial sign.* A sign that memorializes a person, place, event or structure.
- (n) *Nameplate sign.* A sign that is limited in content to the name or address, or both, of the owner or occupant of a building or lot on which it is located.
- (o) *Off-site advertising sign.* Any sign, including, without limitation, a billboard, that advertises or directs attention to a business, commodity, service or activity conducted, sold, or offered on property other than the lot on which the sign is located.
- (p) *Official flag or emblem.* A flag or emblem of a government, college, theological seminary, religious institution or commercial enterprise.
- (q) *On-site directory sign.* A sign, not readable from any public right-of-way, that lists the names and locations of some or all of the occupants or uses of a building or group of buildings, or both.
- (r) *On-site informational sign.* A sign, other than a development map or directory sign, that is commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the lot, including, without limitation, ground signs marking entrances and exits, parking areas, one-way drives, restrooms, and pick-up and delivery areas or window signs identifying, without limitation, entrances, exists, hours of operation, credit cards accepted, contact information and services provided.
- (s) *Personal event sign.* A sign that announces a personal event or occasion, such as a birth, graduation or other celebration or event.
- (t) *Political election sign.* A sign that announces or supports political candidates or issues in connection with any national, state or local election.
- (u) *Political message sign.* A sign, other than a political election sign, that expresses a noncommercial message regarding an issue of political or public concern.

- (v) *Promotional sign.* A sign that promotes a sale, seasonal product or activity, or community or civic event.
- (w) *Public utility sign.* A sign that is erected by public utility companies or construction companies to warn of danger or hazardous conditions, including, without limitation, any sign indicating the presence of underground cables, gas lines and similar devices.
- (x) *Reader board sign.* A sign that has changeable, physical copy for the purposes of advertising special events, sales or information changed on a regular basis. Reader board signs do not include electronic message centers.
- (y) *Real estate sign.* A sign that advertises the offering for sale, rent or lease, as well as the status of the sale, rental, lease or management, of the lot upon which the sign is located.
- (z) *Security sign.* A sign that announces that a security system is maintained on a lot.
- (aa) *Street clock.* Any timepiece erected upon a standard and located on a sidewalk or an exterior of a building or structure for the convenience of the public and which advertises a place of business.

4. *Structural sign types.*

- (a) *Awning, or canopy.* A sign that is mounted or painted on or attached to an awning, or canopy.
- (b) *Electronic Message Center.* A sign that has changeable, electronic copy composed of a series of lights that is used as an accessory display tool to the primary business sign for informational purposes only. A time, temperature, or fuel price only sign shall not be considered an electronic message center.
- (c) *Ground sign.* A sign that is mounted to or part of an independent base affixed to the ground and designed as an integral part of that base, the height of which *base is three feet or less.*
- (d) *Mobile sign.* A sign that is attached to, or carried by, any motor vehicle, bicycle or other similar apparatus.
- (e) *Moving or animated sign.* Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement or rotation, excluding electronic message center signs as defined above.
- (f) *Pole sign.* A sign that is supported by one or more columns, uprights, poles or braces that extend from the ground or from an object on or in the ground.
- (g) *Portable sign.* A non-illuminated sign that is not permanently affixed to a building, a structure or the ground.

- (h) *Projecting sign.* A sign that is affixed to any building or structure that projects outward from the building or structure by more than 12 inches.
- (i) *Sign Walker.* A temporary sign being held by, attached to, or in the form of a person or animal advertising for a business that is within the incorporated limits of the City and whose primary entrance is located 500 feet from the described sign.
- (j) *Temporary sign.* A sign that is professionally constructed of cloth, canvas, fabric, paper, plywood or other light material, is not attached to a permanent sign, and intended to be displayed for a short period of time. Without limitation of the foregoing, and without preclusion of any other functional sign from being considered to be a temporary sign, the following signs shall, for purposes of this Subchapter, be deemed to be temporary signs:
 - (i) Civic event signs;
 - (ii) Construction signs;
 - (iii) Holiday decorations;
 - (iv) Inflatable sign;
 - (v) Personal event signs;
 - (vi) Political election signs;
 - (vii) Promotional signs;
 - (viii) Real estate signs;
 - (ix) Sign Walker;
 - (x) Banner signs;
 - (xi) Portable signs; and
 - (xii) Mobile signs.
- (k) *Wall sign.* A sign that is affixed directly to or otherwise inscribed on an exterior wall, including doors, of any building, retaining wall, or other structure. Supports or braces from a wall sign to the roof shall not cause a wall sign to be considered to be a roof sign under this Subchapter.
- (l) *Window display.*
 - (i) The display of actual merchandise, products, and goods sold, as well as the means or material necessary to display those items, including, without limitation, the following:
 - i. Stands;
 - ii. Mannequins;
 - iii. Platforms;
 - iv. Lighting; and
 - v. Backdrops, provided that: a backdrop shall be located behind the displayed items; and a backdrop that is not permanently constructed to fully enclose the window area shall not occupy more than 25% of the window area; and any sign that is part of a backdrop shall not exceed 50% of the window area. For purposes of this Section B, a "backdrop" shall be defined as a temporary structure that has been suspended from

a ceiling, set on the ground, or otherwise supported and does not fully enclose a window area.

(ii) Window displays shall not include words or messages on any board, banner, or other sign face including, without limitation, a business name, a product name, price or discount information, or description of services provided by that business.

(m) *Window sign.* A sign that is painted on or applied or attached to a window, or that is located within the interior of a structure and that is plainly visible and is erected, constructed or maintained for the primary purpose of being viewed from the exterior of that structure. A window display, as defined by this Subchapter, shall not be considered to be a window sign.

(Ord. 2006-11-0068O, passed 11-28-2006)

C. GENERAL PROVISIONS.

1. *General requirements for a sign permit.* Except as provided in Section I of this Subchapter below, it shall be unlawful for any person to erect, relocate or structurally alter, within the City of Oak Forest, any sign or other advertising structure as defined in this Subchapter, without first obtaining a building permit from the Building Commissioner.
2. *Authority.* The Community Development Director may, in accordance with the procedures and standards set forth in this Section C, grant zoning approval of signs authorizing the construction and maintenance of signs subject to the regulations and standards contained in this Subchapter.
3. *Procedure.*
 - (a) *Application.* An application for a sign permit shall be filed by the owner of, or any person having a contractual interest in, the lot on which the sign is proposed to be located on a form provided by the Community Development Director and shall require the applicant to provide the following information at a minimum:
 - (i) The name, address and telephone number of the applicant, owner or owner's representative, and the person, firm, corporation or association erecting the sign;
 - (ii) A site plan, drawn to scale, depicting the location of the building, structure and lot upon which the proposed sign is to be attached or erected;
 - (iii) Photographs or drawings depicting the proposed sign and its relationship to the building to which it is to be mounted or the surrounding area;
 - (iv) Drawings of the proposed sign depicting the specifications and method of construction and attachment or erection, as the case may be, to the building or ground;

- (v) One accurate color sketch or rendering depicting the proposed colors proposed to be used on the sign and the existing surrounding materials;
 - (vi) If required by the Community Development Director, a master signage plan depicting all existing and proposed signs on the building or the lot or both;
 - (vii) Written consent of the owner, or the authority to act on behalf of the owner, of the building, structure and lot on which the sign is to be erected;
 - (viii) If required by the Community Development Director, a copy of an electrical permit;
 - (ix) If required by the Community Development Director, a copy of an insurance policy or bond;
 - (xi) If required by the Community Development Director, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this Subchapter and all other laws and ordinances of the city;
 - (xii) A survey indicating the lot lines and a drawing that shows the mounting technique and the underground details of the sign installation; and
 - (xiii) Any other information the Community Development Director shall require to show full compliance with this Subchapter and all other laws and ordinances of the city.
- (a) *Fees.* Sign permit fees shall be in the amounts established from time to time in the Building Code.
 - (b) *Action by the Community Development Director.* Within 60 days following the proper filing of a completed application, the Community Development Director shall either grant the sign permit or, by written notice stating the reasons therefore, grant the application with modifications or conditions, deny the application, or, where applicable, refer the application to the Planning and Zoning Commission for its review pursuant to Section D of this Subchapter. The failure of the Community Development Director to act within 60 days, or such further time to which the applicant shall agree, shall be deemed to be a decision granting the sign permit.
2. *Standards for sign permits.* No sign permit shall be granted pursuant to this Subchapter unless the applicant shall establish, at a minimum, the following conditions.

- (a) *Visual compatibility.* The proposed sign shall be visually compatible with the building or lot on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors and shapes.
 - (b) *Quality of design and construction.* The proposed sign shall be constructed and maintained with a high quality design and materials and a good relationship with the design and character of the neighborhood.
 - (c) *Appropriateness to site.* The proposed sign shall be appropriate to its location in terms of design, landscaping and orientation on the lot, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment of neighboring properties, or unduly increase the number of signs in the area.
 - (d) *Compliance with this Subchapter.* The proposed sign shall comply with all applicable provisions of this Subchapter.
 - (e) *Sign dimensions maximums.* Where detailed in this Subchapter, listed dimensional standards are the highest measure of maximum amounts allowed for the proposed conditions; however, such factors associated with the subject site or building, and other extenuating circumstances may reduce the allowable maximum dimensional standards in order to promote proportional signage with the associated structure and property.
3. *Conditions on sign permits.* As part of a sign permit, the Community Development Director may impose any conditions and limitations concerning the construction and maintenance of the sign as may be necessary or appropriate to insure satisfaction of the standards set forth in this Section C of this Subchapter and the purposes and objectives of this Subchapter and to minimize any adverse effects upon other property in the vicinity. These conditions shall be expressly set forth in the sign permit. Violation of any condition or limitation shall be a violation of this Subchapter and shall constitute grounds for revocation of the sign permit.
4. *Expiration of permits.*
- (a) *Permanent signs.*
 - (i) Sign permits for any sign other than a temporary sign shall remain in effect until such time that the sign face, sign copy or structural elements are changed, modified or altered so as to deviate from the terms or conditions of the sign permit.
 - (ii) Any change, modification or alteration shall require the issuance of a new sign permit.
 - (b) *Temporary signs.* Sign permits for temporary signs shall remain in effect for a period not to exceed 30 days. Temporary signs shall be removed within seven days after the

expiration of the sign permit. Within any one-year period, only four new sign permits for a temporary sign shall be permitted to be issued for any lot.

5. *Revocation of permit.* Any sign permit issued pursuant to this Section C of this Subchapter may be revoked or suspended by the Community Development Director if the holder of the sign permit violates the terms of the sign permit or any other provision of this Subchapter.
6. *Effect of issuance of a sign permit.* The issuance of a sign permit shall not authorize construction or maintenance of any sign, but shall merely authorize the preparation, filing and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the city, including, without limitation, a building permit.
7. *Final inspection.*
 - (a) Within 14 days following the issuance of a sign permit, the owner shall schedule with the Community Development Director a final inspection of the sign.
 - (b) If the owner fails to schedule a final inspection, or if Community Development Director determines at the final inspection that the sign fails to comply with this Subchapter, the Community Development Director shall have the authority to revoke the sign permit and require that the sign be removed.

(Ord. 2006-11-0068O, passed 11-28-2006)

D. SIGNS THAT REQUIRE REVIEW BY THE PLANNING AND ZONING COMMISSION.

1. *Signs requiring review.* Prior to the issuance of a sign permit by the Community Development Director pursuant to Section C of this Subchapter above, the following signs require review at a duly noticed public meeting by, and approval of, the Planning and Zoning Commission, pursuant to the procedures contained in division (3). below.
 - (a) The erection, installation or maintenance of any sign that is contemplated to be part of, or in connection with, a planned unit development that is approved pursuant to the Zoning Code, except for those signs that are consistent with a previously approved sign package.
 - (b) The erection, installation or maintenance of any sign that is contemplated to be part of, or in connection with a use that requires a conditional or special permit pursuant to the Zoning Code, except for those signs that are consistent with a previously approved sign package.
 - (c) The erection, installation or maintenance of any sign that is identified in this Subchapter designated as requiring specific review by the Planning and Zoning Commission.
2. *Standards.* No sign permit application shall be approved by the Planning and Zoning Commission unless the Planning and Zoning shall find that:

- (a) The proposed sign is not contrary to the intent of this Subchapter;
- (b) The proposed sign shall be erected and maintained in accordance with the intent of this Subchapter;
- (c) The proposed sign shall comply with all applicable provisions of this Subchapter;
- (d) The proposed sign shall comply with the standards for sign permits set forth in Section C of this Subchapter;
- (e) The proposed sign is reasonably necessary, and the degree of the exception is the minimum necessary to accomplish the purpose of the sign; and
- (f) The sign will not result in adverse effects upon the neighboring properties, or the health, safety and general welfare of the public.

3. *Procedures for Planning and Zoning Commission review.*

- (a) *Application.* If Planning and Zoning Commission approval is required pursuant to this Subchapter, upon submittal to the Community Development Director of a completed sign permit application as required pursuant to Section C of this Subchapter, the Community Development Director shall refer the application and all other relevant documents to the Planning and Zoning Commission for its consideration and decision.
- (b) *Notice.* Notice of the public meeting shall be provided in accordance with 11-203 of this Code.
- (c) *Meeting before the Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application at a public meeting commenced within 60 days after the completed sign permit application is submitted to the Community Development Director. At the meeting, the applicant and all interested parties shall have an opportunity to be heard and to present testimony and documentary evidence relating to the proposed sign.
- (d) *Decision.* The Planning and Zoning Commission shall either:
 - (i) Approve the sign permit application and direct the Community Development Director to issue a sign permit if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Subchapter; or
 - (ii) Deny the sign permit application if the Planning and Zoning Commission determines that the application and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence,

documents and information reveal that the applicant has not satisfied the conditions of this Subchapter. The Planning and Zoning Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.

- (e) *Conditions.* The Planning and Zoning Commission may approve a sign permit subject to any conditions the Planning and Zoning Commission shall deem necessary to protect the public welfare and to achieve the purposes of this Subchapter.

(Ord. 2006-11-0068O, passed 11-28-2006)

E. SIGN PACKAGES.

1. (A) *Intent.* The intent of the regulation of sign packages is to ensure that properties with multiple buildings, and buildings with multiple occupants or tenants, provide signage that is well designed and consistent throughout that building or property, while providing some flexibility in the design of the signs that are approved through a sign package.
2. (B) *Process.*
 - (a) *Special permit & public hearing.* A special permit application must be submitted for any sign package or amendment thereof, and a public hearing must be held in accordance with the City Zoning Ordinance.
 - (b) *Sign package review required.* A sign package shall be submitted to the Planning and Zoning Commission for its review and approval in accordance with this Section E, prior to issuance of any sign permit for the building, for:
 - (i) Any newly constructed building that contains multiple storefronts with ground floor entrances; or
 - (ii) Any existing building that contains multiple storefronts with ground floor entrances for which a building permit application has been submitted requesting approval of exterior facade improvements relating to all of the multiple storefronts with ground floor entrances.
 - (c) *Sign package review voluntary.* A sign package may be submitted to the Planning and Zoning Commission for its review and approval in accordance with this Section E for:
 - (i) Any property containing more than one building for which an application has been submitted requesting approval of more than one sign on that property;
 - (ii) Any property that has frontage along two or more streets for which an application has been submitted requesting approval of more than one sign on that property; and

(iii) Any multiple tenant building for which an application has been submitted requesting approval of more than one sign on that building or property.

3. *Contents of sign package.*

- (a) An application for approval of a sign package shall include details regarding the design and location of all proposed signs for which a sign permit is required.
- (b) The sign package shall clearly define the areas of the building or property for which approval of a sign package is requested. At a minimum, the following details shall be provided in the application submittal for approval of a sign package:
 - (i) Sign design, material(s), anchorage and support(s);
 - (ii) Sign location(s);
 - (iii) Sign color(s);
 - (iv) Sign dimensions; and
 - (v) Method of illumination.

4. *Standards.*

- (a) No sign package shall be approved by the Planning and Zoning Commission unless the Planning and Zoning Commission shall find that the sign package incorporates signage that is:
 - (i) Unified and consistent throughout the building or property;
 - (ii) Of a higher quality than would be otherwise required under the applicable sign regulations; and
 - (iii) Compatible with the design and materials of the building or buildings, and consistent with the area surrounding the building or property.
- (b) Notwithstanding any other provision of this Subchapter, an approved sign package shall govern the installation and maintenance of all signage requiring a sign permit on the building or property, or portion thereof, for which the sign package has been approved.

(Ord. 2006-11-0068O, passed 11-28-2006)

F. VARIATIONS AND APPEALS.

1. *Right to petition for a variance.*

- (a) A request for a variance from the provisions of this Subchapter may be filed with the Planning and Zoning Commission.
- (b) The Commission may recommend the granting of a variance, subject to final approval by the City Council, should they determine the unusual shape or topography of the

subject property has created circumstances which result in an unusual hardship being inflicted on the applicant through the strict enforcement of the provisions of this Subchapter.

(c) The degree of relief granted from the provisions by the City Council shall be limited to those variances which:

(i) Allow a setback less than that required under this Subchapter; or

(ii) Allow the area or height of a sign to be increased by up to 25% of the maximum allowable height or facing.

2. *Revocation of permit.* Should the Community Development Director determine there has been a violation of the provisions of this Subchapter or a misrepresentation of fact on the application form, the Community Development Director may, in his or her sole and absolute discretion, revoke any such applicant's permit issued under this Subchapter. The applicant may appeal the revocation to the Planning and Zoning Commission in accordance with the appeal process and procedures established in this Section F.

3. *Appeals.* Within 30-days after any adverse decision by the Community Development Director under Section C of this Subchapter or City Council on an application for a permit under this Subchapter, the applicant or permittee shall be entitled to a speedy and expeditious review process in accordance with the applicable provisions of this Subchapter, and those other codes, regulations, policies and *procedures* covering the appeal of any and all administrative review or procedural decision exercised in conjunction with an application for permit or a request for variance under the provisions specified herein.

(Ord. 2006-11-0068O, passed 11-28-2006)

G. General Standards.

The following general standards shall apply to all signs.

1. *Illumination.*

(a) *Location and Design of Light Source.* Whenever an external artificial light source is used for a sign, such source shall be located, shielded and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached; provided, however, that a receptacle or device housing a permitted light source for a sign may be located more than twelve (12) inches from the face of the sign if such light source is ground mounted, locked in place, and cannot be redirected. Decorative serpentine fixtures associated with awnings and canopies may extend beyond twelve (12) inches with approved anchoring and electrical installation by the Building Commissioner.

- (b) *Level of Illumination.* In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed 175 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such face. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.
 - (c) *Signs Adjacent to Residential Areas.* Any illuminated sign located on a lot abutting or across a street from, and visible from, any residentially zoned area shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business so long as such sign is not a public or private nuisance.
 - (d) *Flashing Lights Prohibited.* Except for public service signs, electronic message centers, or when expressly permitted by this Subchapter, no flashing, blinking or intermittent lights shall be permitted.
 - (e) *Neon and Other Illuminated Tubing.* Neon and other illuminated tubing may be provided as an architectural enhancement subsequent to design review approval by the Planning and Zoning Commission.
2. *Sign Colors.* No sign shall employ more than four (4) colors plus black and white, unless otherwise expressly addressed in this Chapter.
 3. *Electrical Elements.* All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Oak Forest Building Code.

No metal sign illuminated by any means requiring internal wiring and no electrical fixtures attached to any sign shall be lower than nine (9) feet from grade unless it is grounded by the use of a grounding conductor run with the circuit conductors and is also grounded by being bonded to a grounding electrode at the sign site.

4. *Structural Elements.* The construction and structural components of all signs shall be in accordance with the standards and regulations of the Oak Forest Building Code. All permanent signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least thirty (30) pounds per square foot of surface area and of receiving dead loads based on the actual weight of the structure. In no case shall the structural elements of a pylon sign extend above the top of the sign face.
5. *Minimum Elevation of Certain Signs.* The bottom of every awning, canopy, wall and pylon sign shall be elevated at least eight (8) feet above grade. Whenever possible wall signs on the same façade shall maintain the same top and bottom elevations above grade.
6. *Obstruction of Access Ways.* No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way.

7. *Obstruction of Window Surface.* No sign shall project over, occupy or obstruct any window surface required for light or ventilation by any applicable provision of the Oak Forest Building Code.
8. *Traffic Safety.*
 - (a) *Confusion With Traffic Signals.* No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic.
 - (b) *Obstruction of Sight Triangles Prohibited.* No sign, nor any part of a sign other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter shall be located lower than eight (8) feet from grade within the area of any sight triangle as defined in Subsection 12-206 S of this Code.
9. *Signs of Right-of-Way.* Except as provided in this paragraph, no sign except governmental signs authorized in this Subchapter shall be placed in or extend into or over any public property or right-of-way. Temporary signs advertising civic functions may extend into or over a public right-of-way upon the specific prior approval of the Community Development Director on the basis of need and impact on pedestrian and vehicular traffic, and impact on surrounding properties.
10. *Sign Identification.* All signs shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign and the sign permit number.
11. *Sign Maintenance.* The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Code and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The premises around ground and pylon signs shall be kept clean and free of all rubbish and weeds.
12. *Sign Measurement.*
 - (a) *Area to be Included.* The supporting structure or bracing of a sign shall be omitted in measuring *the* area of the sign unless such structure or bracing is made part of the message or face of the sign. Where a sign has more than one display face, all faces shall be included in determining the area of the sign.
 - (b) *Area of Signs With Backing.* The area of all signs with backing shall be measured by computing the area of the sign backing.
 - (c) *Area of Signs Without Backing.* The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figures that can separately encompass all words, letters, figures, emblems and other elements of the sign message.

(d) *Area of Signs With and Without Backing.* The area of all signs formed by a combination of elements with and without backing shall be measured by counting the area of such elements measured in accordance the foregoing subparagraphs.

(e) *Neon and other illuminated tubing.* When approved by the Planning and Zoning Commission, every lineal foot of neon and other illuminated tubing shall be counted as two square foot of sign area.

13. *Signs on Lots With Multiple Users.* Where more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating permitted signage among such users.

14. *General Safety.* Notwithstanding any other provision of this Subchapter, no sign shall be located in any area or in any manner so as to create a nuisance or a threat to the public safety and welfare.

H. PERMITTED SIGNS BY ZONING DISTRICT.

(A) Signs requiring a sign permit in the following Zoning Districts: R1, R2, R3, R4, R5,

Type of Sign	R1	R2	R3	R4	R5	R6	C1	C2	C3	O1	II	OS	IB
Attention getting devices (a)	-	-	-	-	-	-	-	-	-	-	-	-	-
Development map or directory	-	-	-	-	-	-	P	P	P	P	P	P	P
Governmental	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation	S	S	S	S	S	S	-	-	-	-	-	-	-
Identification	S	S	S	S	S	S	P	P	P	P	P	P	P
Joint-identification	S	S	S	S	S	S	P	P	P	P	P	P	P
Lawn service	P	P	P	P	P	P	P	P	P	P	P	P	P
Memorial	P	P	P	P	P	P	P	P	P	P	P	P	P
Nameplate	P	P	P	P	P	P	P	P	P	P	P	P	P
Off-site advertising (b)	-	-	-	-	-	-	-	-	-	S	S	-	-
Official flag or emblem	P	P	P	P	P	P	P	P	P	P	P	P	P
On-site directory				-	-	-	P	P	P	P	P	P	P
On-site informational	-	-	-	-	-	-	P	P	P	P	P	P	P
Political message	P	P	P	P	P	P	P	P	P	P	P	P	P
Projecting sign	-	-	-	-	-	-	S	S	S	S	S	S	S
Public utility	P	P	P	P	P	P	P	P	P	P	P	P	P
Reader board	-	-	-	-	-	-	S	S	S	-	-	-	-
Reader board (portable)	-	-	-	-	-	-	-	-	-	-	-	-	-
Security	P	P	P	P	P	P	P	P	P	P	P	P	P
Street clock	-	-	-	-	-	-	S	S	S	-	-	-	-
Awning, or canopy	-	-	-	-	-	-	P	P	P	P	P	P	P
Electronic Message Center	-	-	-	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Ground	-	-	-	-	-	-	P	P	P	P	P	P	P
Pole	-	-	-	-	-	-	S	S	S	S	S	S	S

P = Permitted use S = Special permit required P/S- Permitted or special permit depending on certain conditions.

(a) Attention Getting Signs are prohibited with the exception of New and Used Car Dealerships as provided for under Section K.

(b) Off-site advertising shall be limited to identification/joint-identification signs for developments as needed to provide direction/location visibility when not possible to be achieved on site.

Type of Sign	R1	R2	R3	R4	R5	R6	C1	C2	C3	O1	I1	OS	IB
Temporary Signs													
Banner	-	-	-	-	-	-	P	P	P	P	P	P	P
Civic event	P	P	P	P	P	P	P	P	P	P	P	P	P
Construction	P	P	P	P	P	P	P	P	P	P	P	P	P
Holiday	P	P	P	P	P	P	P	P	P	P	P	P	P
Inflatable	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile	-	-		-	-	-	P	P	P	-	-	-	-
Personal	P	P	P	P	P	P	-	-	-	-	-	-	-
Event	P	P	P	P	P	P	P	P	P	P	P	P	P
Political election	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable	-	-	-	-	-	-	P	P	P	P	P	P	P
Promotional	-	-	-	-	-	-	P	P	P	P	P	P	P
Real estate	P	P	P	P	P	P	P	P	P	P	P	P	P
Sign Walker	-	-	-	-	-	-	P	P	P	P	P	P	P
Wall				-	-	-	P	P	P	P	P	P	P
Window display	-	-	-	-	-	-	P	P	P	-	-	-	-
Window sign	-	-	-	-	-	-	P	P	P	P	P	P	P

P = Permitted use S = Special permit required P/S- Permitted or special permit subject to certain conditions.

(a) Attention Getting Signs are prohibited with the exception of New and Used Car Dealerships.

(b) Off-site advertising shall be limited to identification/joint-identification signs for developments as needed to provide direction/location visibility when not possible to be achieved on site.

I. SIGNS EXEMPTED FROM PERMIT REQUIREMENTS.

The following signs shall be exempt from the permit requirements of this Subchapter:

Exempt Sign Type	Number of Signs Permitted on Lot	Maximum Permitted Sign Area	Maximum Permitted Sign Height
Civic event (a)	-	-	-
Construction	One	12 SF in residential zoning districts total; 32 SF in all other zoning districts total	Four feet
Lawn service	One	Six sf total	Four feet
Memorial	One	Four sf total	Four feet
Nameplate	One	1 sf for single-family dwellings total, 3 sf for multi-family buildings total	Four feet
Official flag or emblem	One	24 sf total	15 feet
Personal event (b)	One	32 sf total	Seven feet
Political election (c)	No limit Four	Six sf 32 sf total	Four feet
Political message	Two	Six sf	Four feet
Real estate (d)	One sign, two signs if the lot has double frontage	6 sf one side (12 sf on 2 sides total) for single-family residential properties 16 sf on one side (32 sf on 2 sides total) for all other properties	4 feet for single-family residential properties 6 feet for all other properties
Window sign	-	25% of the window area	-

(a) Signs do not require a permit and are permitted in the public right-of-way.

(b) Signs shall be posted no more than three days prior to and removed no later than one day after the date of the event.

(c) For residential zoned property, political signs do not have any time limitation. For non-residential zoned property, political signs shall be erected no earlier than 45 days prior to an election or referendum and removed no later than seven days after the election or referendum. Signs shall be placed on private property only.

(d) Signs for single-family residential properties shall be removed no later than seven days following the sale or rental of the subject property. Signs for all other properties shall be removed no longer than fourteen (14) days

following the date upon which the development or structure is ninety percent (90%) sold or leased or one (1) year, which is less.

(Ord. 2006-11-0068O, passed 11-28-2006)

J. PERMITTED SIGNS REQUIRING SIGN PERMITS.

Sign Type	Number of Signs Permitted on Lot	Maximum Permitted Sign Area	Maximum Permitted Sign Height
Attention getting devices (a)	-	-	-
Development map or directory	One	Ten sf total	4 feet
Home occupation	-	-	-
Electronic Message Center	Refer to Section K, Structural Type Regulations		
Identification	One	25 sf total	Eight feet
Joint-identification	One	40 sf total	Ten feet
Off-site advertising	-	-	-
On-site directory	One	Ten sf total	Four feet
On-site informational	One	Three sf total	Four feet
Projecting	Refer to Section K Structural Type Regulations		
Public utility	-	-	-
Reader board	One	40 sf total	20 feet 10 Feet
Security	One	Two sf total	-
Street clock	Refer to Section, Structural Type Regulations		
Awning, or canopy or marquee	Refer to Section K, Structural Type Regulations		
Ground	Refer to Section K, Structural Type Regulations		
Moving or animated	-	-	-
Pole	Refer to Section K, Structural Type Regulations		
Temporary signs (b)	Refer to Section K, Structural Type Regulations for all Temporary Signs		
Banner (c)	-	32 sf total	4 feet
Portable	-	32 sf total	4 feet

Promotional (d)	-	32 sf total, except inflatable signs	6 feet, except inflatable signs shall not exceed 15 feet
Wall	Refer to Section K, Structural Type Regulations		
Window display (e)	-	-	-
(a) Attention Getting Signs are only permitted for New and Used Car Dealerships. These signs will still require the issuance of a permit. See Section K, Structural Type Regulations for all Temporary Signs.			
(b) Temporary Signs. Sign permits for temporary signs shall remain in effect for a period not to exceed 30 days. Temporary signs shall be removed within seven days after the expiration of the sign permit. Within any one year period, only four new sign permits for a temporary sign shall be permitted to be issued for any lot.			
(c) Banners are also permitted on city light poles subject to City Council approval.			
(d) (1) Special events such as: carnivals, circuses and the like. These signs shall not be erected more than 14-days in advance of the event, and shall be removed no later than three days after the termination of the event. The signs shall be placed on private property in a manner that does not obstruct the vision of pedestrians or vehicles accessing a public or private right-of-way; (2) Including, hot air balloons are permitted for grand openings, sales, and other special events on a temporary basis, for no more than three days at a time.			
(e) Window Display. The display of actual merchandise, products, and goods sold, as well as the means or material necessary to display those items, including, without limitation, the following: (a) stands; (b) mannequins; (c) platforms; (d) lighting; and (e) backdrops, provided that (1) a backdrop shall be located behind the displayed items and (2) a backdrop that is not permanently constructed to fully enclose the window area shall not occupy more than 25% of the window area and (3) any sign that is part of a backdrop shall not exceed 50% of the window area. For purposes of this Subchapter, a “backdrop” shall be defined as a temporary structure that has been suspended from a ceiling, set on the ground, or otherwise supported and does not fully enclose a window area.			

(Ord. 2006-11-0068O, passed 11-28-2006)

K. STRUCTURAL TYPE REGULATIONS.

1. *Ground signs.*

(a) *Construction of ground signs.*

- (i) *Materials required.* Ground signs shall have a surface or facing of incombustible materials with bases constructed of decorative durable materials, such as brick, stone, or decorative masonry block; provided, however, that structural trim composed of combustible material, may be used.

- (ii) *Secured letters or fixtures.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, and/or superimposed upon any ground sign, shall be safely or securely built and/or attached to the sign structure.
- (iii) *Landscaping.* Ground signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and a half (1.5) feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area. Shrubs or other ground covers shall be a minimum of 60% of the height of the base at planting without blocking the sign copy for the purpose to cover or soften the base. If the proposed sign base is visually enhanced, the Community Development Director may grant partial relief of the landscaping requirement.

(b) *Standards for ground signs.*

- (i) *Height and area limitations.* Ground signs shall not exceed a height greater than 10 feet above the adjoining ground level, if such ground level is higher than the street level. Ground signs shall not exceed 100 square feet on one side (200 square feet on two sides) in surface area for the first ground sign. Any ground sign beyond the first ground sign shall not exceed fifty-percent the area of the first sign.
- (ii) *Quantity and Spacing.* One ground sign shall be permitted per street frontage on a zoning lot with 100 or more lineal feet of continuous street frontage. Zoning lots with a continuous street frontage over 600 lineal feet may apply for a second sign on that street frontage as a special permit. No ground sign shall be closer than two feet away from any other sign, building and/or structure.
- (iii) *Setbacks.* Ground signs shall be erected no less than two feet from the property line of the subject property on which the sign is erected. Ground signs shall not encroach into a sight triangle as defined in Subsection 12-206 of this Code
- (iv) *For lease/for sale component.* In lieu of an exempt real estate sign as provided for under Section I of this Subchapter, a ground sign for a multi-tenant building or lot may contain an additional 16 square feet of area on one side (32 square feet on two sides total) for the purposes of advertising for lease or for sale units. This additional component may be used for additional signage for the principal use when the building or lot is fully leased or sold. The addition of this component precludes any multi-tenant building or lot from displaying an exempt real estate sign as provided for under Section I of this Subchapter.

2. *Pole signs.*

(a) *Construction of pole signs.*

- (i) *Materials required.* Pole signs shall have a surface or facing of incombustible materials with poles and other support structures enclosed with decorative durable materials, such as brick, stone, or decorative masonry block; provided, however, that structural trim composed of combustible material, may be used.
- (ii) *Secured letters or fixtures.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, and/or superimposed upon any ground sign, shall be safely or securely built and/or attached to the sign structure.
- (iii) *Landscaping.* Pole signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and a half (1.5) feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area. Shrubs or other ground covers shall be a minimum of 60% of the height of the base at planting without blocking the sign copy for the purpose to cover or soften the base. If the proposed sign base is visually enhanced, the Community Development Director may grant partial relief of the landscaping requirement.

(b) *Standards for pole signs.*

- (i) *Height and area limitations.* Pole signs shall not exceed a height greater than 15 feet above the adjoining ground level or street level with up to twenty-five percent increase subject to special permit approval. Pole signs shall not exceed 100 square feet on one side (200 square feet on two sides total) in surface area for the first pole sign. Any pole sign beyond the first pole sign shall not exceed fifty-percent the area of the first sign; however,
- (ii) *Quantity and Spacing.* In instances where the standards for a ground sign are not able to be physically met or extenuating circumstances exist, one pole sign shall be allowed with a special permit per street frontage on a zoning lot with 100 or more lineal feet of continuous street frontage. Zoning lots with a continuous street frontage over 600 lineal feet may apply for a second sign on that street frontage as part of a special permit. No pole sign shall be closer than two feet away from any other sign, building and/or structure.
- (iii) *Design.* Pole signs shall implement a unique design theme consisting of various shapes and styles, and shall not use the traditional style of a singular pole with a cabinet/box display attached.
- (iv) *Setbacks.* The final location of any pole sign shall be determined as a condition of the special permit with no pole sign to be erected less than two feet from the property line of the subject property on which the sign is erected and comply with the sight triangle requirement of Subsection 12-206 of this Code. The bottom

portion of any pole sign shall be at least 8 feet from the adjoining ground level. The location of the sign shall not obstruct the view of motorists and pedestrians.

- (v) *For lease/for sale component.* In lieu of an exempt real estate sign as provided for under Section I of this Subchapter, a pole sign for a multi-tenant building or lot may contain an additional 16 square feet of area on one side (32 square feet on two sides) for the purposes of advertising for lease or for sale units. This additional component may be used for additional signage for the principal use when the building or lot is fully leased or sold. The addition of this component precludes any multi-tenant building or lot from displaying an exempt real estate sign as provided for under Section I of this Subchapter.

3. *Electronic Message Centers.*

(a) *Quantity of electronic message centers.*

- (1) *Ground Sign.* One electronic message center per lot may be permitted as a component of any ground sign as an accessory tool to the primary business sign provided it meets the standards in division (b) below. Multiple electronic centers on any lot or any proposed electronic message centers not meeting the standards in division (b) below may be allowed subject to special permit approval.
- (2) *Pole Sign.* An electronic message center may be allowed as a component of any pole sign subject to special permit approval. Any electronic message center component as part of a pole sign shall be not displayed lower than 8 feet in height nor higher than 10 feet in height with any departures from these standards subject to a specific special permit approval condition.

(b) *Standards for electronic message centers.*

- (i) The electronic message center area shall not exceed twenty-five percent (25%) of the area of the ground sign to which it is part. The electronic message center area shall be integrated into the design of the overall ground mounted sign.
- (ii) The subject property of the electronic message center sign shall have no less than 100 feet of R.O.W. frontage on which the sign is to be located.
- (iii) Anything displayed on the lines of text on the sign shall be displayed monochromatically, and shall not change in color, intensity, brightness, shade or color gradient.
- (iv) The copy, logo or display of the sign shall remain static and unchanging for a period of no less than 10 seconds.
- (v) The sign may be used to advertise commercial products available at the businesses located on the premises, non-commercial messages from not-for-profit or governmental organizations located within the city, and advertisements for public meetings and non-commercial public events in the city.
- (vi) The message shall not consist of flashing, scintillating, chasing or animated lights, or include animated pictorial graphics.
- (vii) The illumination of the sign shall not exceed an intensity of 0.5 foot-candles as measured with a portable hand-held sensor at either the property line or ten (10) feet from the sign, whichever is lesser.

- (viii) The sign shall incorporate automatic dimmer software or solar sensors with maximum settings of 5,000 nits during daylight and 500 nits between dusk and dawn. If the city finds that the sign causes glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty-four (24) hours of a request by city, shall reduce the intensity of the sign to a level acceptable to the city.
- (ix) The sign is prohibited within 100 feet of a principal residential structure if any part of the sign face would be visible from the principal residential structure.
- (x) Sign shall only operate between one half hour before the premises are opened, or 6:00 A.M., whichever is earlier and one half hour after premises is closed to the public, or 11:00 P.M., whichever is later.
- (xi) If at any time, more than thirty (30) percent of the display lights malfunction or are no longer working, the owner of the sign shall make repairs to the sign within thirty (30) days or the sign will require removal. All electronic message center signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

4. *Wall signs.*

(a) *General requirements.*

(i) *Materials required.* Wall signs shall have a surface or facing of incombustible materials; provided, however, that structural trim composed of combustible material, may be used.

(ii) *Secured letters or fixtures.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to and/or superimposed upon any wall sign, shall be safely or securely built and/or attached to the sign structure.

(iii) *Placement.* Wall signs shall be placed and designed so as to fit within the horizontal and vertical elements of a building. Wall signs must not cover, wholly or in part, any window, door, architectural feature, or opening in a wall. Wall signs must be attached to a wall at a height of not less than 8 feet above ground level. Wall signs may only be located on walls parallel to a street, or those which provide a customer pedestrian building entrance parallel to a parking area. Accessory wall signs may also be located on:

1. walls which do not provide a customer pedestrian building entrance but are parallel to a parking area;
2. walls which are parallel to a main point of ingress and egress to a non-residential development; or
3. walls with a secondary customer pedestrian building entrance.

(iv) *Projection.* Wall signs shall not project beyond the end, tip, cornice, or roofline of the wall to which it is attached, nor extend more than six inches in depth from the wall to which they are attached.

- (v) *Height.* The vertical dimension of any sign face for a wall sign shall be no more than seven (7) feet; except the vertical dimension of a sign face for an accessory wall sign located under Subparagraph 9-106(K)(4)(a)(iii)(1-3) shall be no more than four (4) feet.
- (v) *Total maximum area.* Notwithstanding any other provision of this paragraph:
 - 1. no wall sign facing an interstate highway right-of-way may exceed three hundred (300) square feet in area; and
 - 2. no other wall sign may exceed two hundred (200) square feet in area.
- (b) *Single tenant buildings or tenant spaces with thirty (30) feet or less of frontage.*
 - (i) *Total number of wall signs.* One wall sign is permitted for each single tenant building or tenant space with thirty (30) feet or less of frontage.
 - (ii) *Total wall sign width.* The width of a wall sign on a single tenant building or tenant space with thirty (30) feet or less of frontage must be no more than seventy-five (75) percent of the total length of the frontage to which it is attached.
- (c) *Single tenant buildings or tenant spaces with greater than thirty (30) feet of frontage.*
 - (i) *Total number of wall signs.* No more than one primary wall sign and two accessory wall signs are permitted for a single tenant building or tenant space with greater than thirty (30) feet of frontage. No more than one accessory wall sign may be located under Subparagraph 9-106(K)(4)(a)(iii)(1-3).
 - (ii) *Total wall sign width.* The total width of all wall signs on single tenant buildings or tenant spaces with greater than thirty (30) feet of frontage shall be no more than fifty (50) percent of the total length of the frontage to which they are attached; however, an accessory sign located under Subparagraph 9-106(K)(4)(a)(iii)(1-3) shall be no more than twenty-five (25) percent of the total length of the frontage to which it is attached.
 - (iii) *Accessory wall sign area.* Accessory wall signs not located under Subparagraph 9-106(K)(4)(a)(iii)(1-3) are limited to twenty (20) percent of the total maximum area permitted.
- (d) *Corner units of multi-tenant buildings, or single tenant buildings on corner lots.* When a corner unit of a multi-tenant building or a single-tenant building on a corner lot faces two streets,
 - (i) the total maximum width for wall signs on each frontage is limited to the width allowed for the shorter frontage; and
 - (ii) the wall signs on each frontage must be substantially similar.

5. *Projecting signs.*

- (a) *Area limitations.* Except by special permission of the City Council, projecting signs shall be limited in area as follows:
 - (i) Horizontal projecting signs, where width is greater than height, shall not exceed 50 square feet on each side; and
 - (ii) Vertical projecting signs, where height is greater than width, shall not exceed 100 square feet on each side.
- (b) *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.
- (c) *Location of projecting signs.* Every projecting sign shall be placed at least 10 feet above the public sidewalk over which it is erected, no more than two feet from the face of the wall to which it is *attached*, measuring from the point of the sign nearest the wall, and at least one foot from the curb line. Every projecting sign shall be placed at least 15 feet above the public driveway, alley or thoroughfare over which it is erected.
- (d) *Illumination requirements.* Projecting signs may be illuminated every night between sunset and 10:00 p.m. or the close of business day, whichever is earlier, by at least five watts *per* square foot of sign surface, but in no case less than 60 watts for each sign surface.

6. *Temporary signs.*

- (a) *Permits for temporary sign.*
 - (i) *Temporary sign permit required.* Permits for temporary signs shall be issued by the Community Development Director subject to the conditions of this Subchapter. Any signage departing from the standards of this Subchapter shall require special permit approval.
 - (ii) *Exempt temporary signs.* The following temporary signs shall not require a permit provided that meet the stated conditions.
 - (a) *Sign-Walkers.* A business or use is allowed one (1) sign-walker limited to activity during the following 2 hour shift periods: 6:00 a.m. until 8:00 a.m., 11:00 a.m. until 1:00 p.m., and 5:00 p.m. until 7:00 p.m. Sign-walkers must not obstruct the view or the path of travel of any pedestrian or motorist. Hand held or walking signs are allowed to promote or advertise sales, activities or events for the subject business or use in which it is associated with and within the City of Oak Forest. Sign walkers are allowed on property in which sale, activity, or event is taking place or on public sidewalk during the required times and distances regulated by this Ordinance.

A business or use is allowed one sign-walker or a temporary daily special sign(s) per street frontage; however both may not be used at the same time.

- (b) *Pre-Opening and Grand Opening Temporary Signs.* One (1) temporary wall sign of a maximum of 32 square feet in area and 1 temporary ground sign of a maximum of 16 square feet on 1 side (32 square feet on two sides total) are allowed for a ninety (90) day period prior to the opening of a business or use (such as 'Coming Soon') and ninety (90) days after the opening of the business or use (such as 'Now Open'). Ground signs must be setback a minimum of 10 feet from all property lines and not obstructing the view or path of travel of any pedestrians or motorist. Any inappropriate or objectionable signage will be subject to removal by the Community Development Director or the Building Commissioner.
- (c) *Daily Special Signs, Temporary.* 1 collapsible A-frame sign not to exceed 6 square feet in area (12 square feet on two sides total) is allowed. Signs may only be displayed during open to the public operating hours and must be removed daily from display after operating hours. Signs must be setback a minimum of 10 feet from all property lines and not obstructing the view or path of travel of any pedestrians or motorist.

One (1) portable (banner flags with single post on the ground) temporary sign for every 50 feet of right-of-way frontage of the business may be displayed on the associated business property and only during open to the public operating hours and must be removed daily from display after operating hours.

A business or use is allowed one sign-walker or a temporary daily special sign per street frontage; however both may not be used at the same time.

- (d) *Attention Getting Devices Associated with New and Used Car Dealerships.* In addition to other temporary signs, new and used car dealerships shall be permitted to display attention getting devices as described in this paragraph with an approved temporary sign permit renewable annually. Attention getting devices shall be limited to non-illuminated banners and streamers attached only to light poles located on site. Any banner shall not exceed 21 square feet on one side in area with a maximum of two sides with a maximum of 4 banners per street frontage. The bottom of any such devices shall be no lower than 8 feet in height and shall not be displayed at a height greater than 15 feet. All displayed attention getting devices must be maintained in a safe and aesthetically pleasing condition, and if any devices become illegible, damaged, or otherwise in poor condition, such devices must be removed. Any devices are subject to revocation of the temporary sign permit and immediate removal based on a determination by the Community Development Director or the Building Commissioner in regards to degraded or unsafe conditions presented by any such devices. No signs may be re-established without obtaining an approved temporary sign permit.

- (b) *Construction of temporary signs.*

- (i) *Materials.* Such signs shall be made of rigid materials such as wall board or other light materials with frames.
- (ii) *Weight limitation.* Temporary signs weighing in excess of 50 pounds must be approved by the Building Commissioner as conforming to the safety requirements of the Building Code of the City of Oak Forest.
- (c) *Location/projection of temporary signs.* No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare more than four inches from the wall upon which it is erected and shall not be placed or project over any wall opening.
- (d) *Erection, anchorage and support of temporary signs.* Every temporary sign shall be attached with wire or steel cables. No strings, ropes or wood slats for anchorage or support purposes shall be permitted.
- (e) *Duration of permits for temporary signs.* Permits for temporary signs shall authorize their erection and maintenance for period not exceeding 30 days.
- (f) *Advertising permitted on temporary signs.* The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature.
- (g) *Temporary signs.* All temporary signs must comply with the temporary uses regulations provided in Section 9-103 of this Code.

7. *Awnings and canopies.*

- (a) *Construction of awnings and canopies.*
 - (i) *Materials; awnings.* Awnings may be constructed of cloth or metal; provided, however, all frames and supports shall be of metal. All awnings shall meet the standards set forth in the design review guidelines.
 - (ii) *Materials; canopies.* Canopies may be constructed of a cloth or metal hood; provided, however, all frames and supports shall be of metal. In the C-3 District, awnings shall be made of cloth; provided, however, all frames and supports shall be of metal.
 - (iii) *Illumination.* In all non-residential districts except the C-3 District, awnings may be both internally and externally illuminated subject to all other applicable standards. In the C-3, any illumination must be provided by lighting cast down from above the awning or canopy via decorative serpentine fixtures subject to all other applicable standards.
- (b) *Location of awnings and canopies.*

- (i) *Heights above sidewalk; awnings.* No portion of an awning shall be less than eight feet above the level of the sidewalk or public thoroughfare over which it is erected.
- (ii) *Height above sidewalk; canopies.* No portion of a canopy shall be less than nine feet above the level of the sidewalk or public thoroughfare over which it is erected.
- (iii) *Setback from curb line.* No awning or canopy shall be permitted to extend beyond a point one foot inside the curb line.
- (iv) *Width.* No limitation on width of awnings; provided, however, full compliance with the wind pressure and dead load requirements is required. No canopy shall be permitted to exceed eight feet in width.
- (c) *Advertising.* No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side of the awning or canopy.
- (d) *Awnings to be rolled.* When applicable, awnings shall be rolled or folded against the building wall except when serving as a protection from sun, rain, snow or other inclement weather.

8. *Street clocks.*

- (a) *Construction requirements.* Street clocks shall be constructed of incombustible material, including the frames, braces and supports.
- (b) *Regulation of size and dial.* The dial of such clocks shall be not less than thirty (30) inches or more than forty (40) inches in diameter.
- (c) *Glass requirements.* Any glass forming a part of a clock shall be safety glass, or plate glass at least one-fourth inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be constructed of wire glass, securely held in place.
- (d) *Moveable parts to be secured.* The cover or service openings of street clocks shall be securely fastened by metal hinges.
- (e) *Location/placement of street clocks.*
- (c) *Clocks erected on walls.* Clocks supported on the corner of any building or structure at the intersection of two streets shall not be less than fifteen (15) feet nor more than twenty (20) feet above the sidewalk and shall not project from the face or wall of the building or structure more than five feet.

(d) *Clocks erected on sidewalk.* Clocks erected on the sidewalk shall be supported upon a post of ornamental design, shall be not less than fifteen (15) feet in height, shall be not more twenty (20) inches from the outer edge of the curb, and shall be at least twenty (20) feet from the point of intersection of the lines of any street, measured parallel with the street.

(i) *Limitation on permits; clocks on sidewalks.* Any person erecting a street clock on any public sidewalk shall obtain the special written permission of the City Council in addition to all other permits required by this Subchapter.

(ii) *Limitation on permits; general.* No person shall be permitted to erect more than one street clock at any one business location.

(iii) *Advertising permitted.* Only the name of the owner, proprietor, or manager of the place of business erecting and/or maintaining such clock, and the nature of the business, shall be permitted as advertising matter on such clock.

(iv) *Must keep accurate time.* Street clocks shall keep accurate time and shall be promptly repaired or removed if this requirement is not complied with.

9. *Billboards; erection ban.* Subsequent to the effective date of this Subchapter, no new erection permits shall be issued by the Building Commissioner for billboards, except for areas designated for heavy industry within the City of Oak Forest. Existing billboards must comply with the requirements of Section M of this Subchapter.

10. *Exceptional & Unique Sign.* Signs not explicitly covered by this Subchapter may be allowed with special permit approval only within the context of the following considerations:

- (a) The sign is integral to or will act as a visual enhancement to the architectural and aesthetic character to the building or lot upon which it is located;
- (b) The sign is needed to provide advertising for a specific and unique aspect related to a particular business or lot;
- (c) The sign utilizes technology or standards not presently covered by this Subchapter;
- (d) The sign or elements of the sign are not explicitly prohibited under Section L of this Subchapter;
- (e) The sign will not present visual, noise, smell or other nuisance conditions to the surrounding properties or the city as a whole; and
- (f) The sign will not impact negatively on the health, safety, and welfare of the surrounding properties or the city as a whole.

(Ord. 2006-11-0068O, passed 11-28-2006)

L. MAINTENANCE AND GENERAL SIGN PROHIBITIONS.

1. *Maintenance.* The owner or operator of a sign and the owner of the lot on which the sign is located shall be jointly and severally liable to maintain the sign, including its illumination sources, in compliance with this Subchapter and all applicable laws, in a

safe, secure, neat and orderly condition, and in good-working order, at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of the sign. The area around any ground sign shall be kept clean and free of all rubbish, overgrown grass, other overgrown and poorly maintained landscaping, and weeds.

2. *Removal of obsolete signs.* No sign or other advertising structure shall advertise a business or product which is no longer in existence on the premises where a sign is located. Any sign shall be immediately taken down and removed from the subject property.
3. *General prohibitions.*
 - (a) No sign or other advertising structure shall be erected, relocated or maintained in a manner so as to prevent free ingress to, or egress from, any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
 - (b) No sign or other advertising structure shall:
 - (i) Obstruct free and clear vision at any street intersection;
 - (ii) Interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device because of its position, shape or color; or
 - (iii) Make use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic.
 - (c) No sign or other advertising structure shall be permitted to constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.
 - (d) No signs may have blinking, flashing or fluttering lights, or other illuminating device, which has a changing light intensity, brightness or color; rotating beams, beacon or flashing illumination resembling an emergency light.
 - (e) No sign or other advertising structure shall display any matter in which the dominant theme of the material, taken as a whole, appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
 - (f) No sign or other advertising structure shall be painted on or attached to a motor vehicle used primarily for the display of the sign. This Subchapter shall not prohibit the identification of a business and/or its products or services on those vehicle(s) owned and operated by the business, and parked or located in a manner appropriate to the normal course of business.
 - (g) No sign or other advertising structure shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind, except for the movable hands of

street clocks, or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time-temperature-date signs.

- (h) No sign designed to be moved from place to place (freestanding or on wheels), that is not otherwise permanently affixed to the ground, a building or other permanent structure shall be permitted.
- (i) No signs attached to trees, fences, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities, shall be permitted. Signs attached to fences shall be legal only if the sign is in regards to the identification of the fence distributor, and shall be limited to one square foot in area.
- (j) No streamers, posters, ribbons, lights bulbs, light bands, spinners, attention-getting devices that move, blink or flash signs shall be permitted; provided, however, that this restriction shall not apply to temperature and date signs, signs which exhibit changing natural and/or artificial light or color effects, and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street and/or a private residence.
- (k) No signs or decorative elements shall be allowed on roofs.
- (l) Signs which are painted directly onto an exterior wall of any building or other structure.
- (m) No sign or other advertising structure shall be illuminated with lights, which glare into or upon the surrounding area of any residential premises or distract operators of vehicles and/or pedestrians accessing and/or using the public right-of-way.
- (n) Signs which are painted directly onto any exterior wall of any building or other structure are prohibited.
- (o) Any sign comprised of plywood or similar material.
- (p) No sign, except governmental and civic signs authorized in this Subchapter, shall be placed in or extend into or over any public property or right-of-way.

(Ord. 2006-11-0068O, passed 11-28-2006)

M. NONCONFORMING SIGNS.

1. *Termination by abandonment.*

- (a) Any *nonconforming* sign that is not used for a period of 30 consecutive days, regardless of any intent to resume or to not abandon the use shall be deemed to be abandoned and shall not thereafter be reestablished or resumed. Every sign shall be immediately removed or brought into conformity with the provisions of this Subchapter.

(b) Notwithstanding anything to the contrary in this Section M, any period of discontinuance caused by government actions, strikes, material shortages, or “acts of God,” and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Section M.

2. *Termination by change of business ownership.* Any nonconforming sign related to a closed business shall be brought into compliance with this Subchapter upon any change of ownership or control of the business.
3. *Termination by amortization.* Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign that has not been terminated pursuant to any other provision of this Subchapter shall be terminated no later than the date provided in the following schedule.

Original Value of Sign or Sign Element as Shown on Sign Permit	Removal Required Within Following Period of Time*
Less than \$1,000	1 year
\$1,001 to \$3,000	2 years
\$3,001 to \$5,000	3 years
\$5,001 to \$7,000	4 years
Over \$7,000	5 years
* Removal required within the following period of time: The owner will have the provided period of time to remove the nonconforming sign. The time period will begin from the date in which the Community Development Director has notified the owner of the nonconforming sign.	

4. *Special provisions regarding nonconforming billboards.* It is the policy of the city to avoid unnecessary and costly litigation resulting from requiring removal of a nonconforming billboard. The following procedures have been adopted to provide for a negotiated, mutually beneficial, cost effective method of removing, or otherwise bringing into compliance with the provisions of this division, nonconforming billboards.

(a) Notwithstanding anything to the contrary in this Section M or elsewhere in this Subchapter, an owner or operator of a nonconforming billboard shall not be subject to the amortization or other nonconforming use provisions of this Subchapter.

(b) A nonconforming billboard shall be removed upon:

- (i) The recommendation of the Community Development Director to the City Council; and
 - (ii) The City Council approving the recommendation by resolution duly adopted.
5. An owner or operator of a nonconforming billboard required to be removed under this division (4) shall receive a written notification from the Community Development Director that his, her or its billboard has been designated for removal and shall be asked to declare the value of the billboard in writing from an independent licensed appraiser. The notification shall not be deemed a final administrative action, nor shall it be deemed a final order, but shall only serve to begin a negotiated process for removal of a nonconforming billboard.
 6. The city will use the appraisal as a basis for preparing an amortization agreement that will establish a period of time that the billboard may remain in operation and, as appropriate, a cash settlement payable at the end of the amortization period. The owner or operator shall cooperate in the negotiations to arrive at an agreed upon amortization and, as appropriate, cash settlement for removal of a nonconforming billboard.
 7. In the event that the city and owner or operator of a billboard cannot agree to the terms of an amortization agreement, the city shall reserve the right, but have no obligation to, seek the condemnation of a nonconforming billboard in a court proceeding.
 8. An amortization agreement shall be recorded in the office of the Cook County Recorder against the lot upon which the nonconforming billboard is located.

(Ord. 2006-11-0068O, passed 11-28-2006)

N. UNLAWFUL SIGNS.

1. Should the Building Commissioner determine a sign or other advertising structure is in violation of the provisions of this Subchapter, thus becoming a prohibited sign, Building Commissioner or his or her designee shall give written notice to the permittee and/or the owner of the property upon which the structure is located.
2. If the permittee or owner fails to remove or alter the structure so as to fully comply with the provisions set forth in this Subchapter within ten days after the notice, the Building Commissioner may undertake the removal or alteration as is necessary to bring the structure into compliance and assess the removal or alteration costs to the permittee or owner.
3. The Building Commissioner may cause any sign or other advertising structure which presents an immediate peril to person or property to be removed or altered immediately and without notice.

(Ord. 2006-11-0068O, passed 11-28-2006)

O. SEVERABILITY.

If any provision of this Subchapter or the application thereof to any person or circumstances, shall be held invalid by any court of competent jurisdiction, the invalidity shall not affect the other provisions, or application thereof, of this Subchapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this Subchapter are hereby declared to be severable.

(Ord. 2006-11-0068O, passed 11-28-2006)

P. PROTECTION OF FIRST AMENDMENT RIGHTS.

Any sign permitted under the provisions of this Subchapter, may contain, in lieu of any other copy, any lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements.

(Ord. 2006-11-0068O, passed 11-28-2006)

Q. PENALTY.

1. Any person violating any provision of this Subchapter for which no specific penalty is prescribed shall be subject to § 10.99 of the City of Oak Forest Code of Ordinances.

(1) Whoever violates or fails to comply with any of the provisions of this Zoning Code shall be fined not more than \$500 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in this Zoning Code.

(2) Whoever violates the provisions contained herein may, in addition to the penalty provided above, be imprisoned not more than six months and have his or her business license suspended or revoked. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2381, Ch. 2 (part), passed - -1999)

2. A person who operates or causes to be operated a sexually oriented business in violation of the Zoning Code, is subject to a suit for injunction as well as prosecution for a criminal violation. The violation shall be a misdemeanor and shall be punishable by a fine of \$1,000 and/or six months in jail, and if an injunction must be sought, attorneys' fees and costs will be assessed at the discretion of the court against the sexually oriented business.

(2000 Code, § 17.44.040) (Ord. 2420 § 4, passed - -1999)

3. Any person or corporate entity violating any of the provisions of Sections A through P of this Subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof, be

subject to a \$750 fine. For the purposes of this Subchapter, each day the violation is committed, or permitted to continue, shall constitute a separate offense.

(Ord. 2006-11-0068O, passed 11-28-2006)

PART I-D BUFFERS AND LANDSCAPING REQUIREMENTS

9-107: BUFFERS AND LANDSCAPING

- A. General Landscaping and Maintenance Requirements. Except for accessory uses expressly permitted to be located in required yards, all yards and open space between and about structures and off-street parking and loading areas and lots shall be landscaped and kept free of accumulations of garbage, trash, refuse, debris and other unsightly or nuisance-creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds. Undeveloped areas shall be mowed and kept free of accumulations of garbage, trash, refuse, debris and other unsightly or nuisance-creating materials until developed. Developed areas shall be maintained in compliance with all site plans and landscaping plans approved pursuant to the Code, and all buffers and landscaping shall be maintained and replaced in accordance with such plans.
- B. Foundation Landscaping
1. Scope.
 - (a) General. The requirements of this Subsection B shall apply in all districts other than (i) single-family residential districts, (ii) multiple family residential districts where only single family detached dwellings are developed, (iii) the I1 Industrial District and (iv) the Gateway Redevelopment Sub-Area. The provisions of this Subsection B shall not apply to buildings developed prior to August 16, 1999.
 - (b) Exception for Inadequate Growing Conditions. If the Community Development Director determines that a building has no areas with adequate growing conditions to support a healthy foundation landscaped area, such building shall be exempt from the requirements of this Subsection B.
 2. Area Required.
 - (a) Width. Each principal and accessory building shall have a landscaped area located along the foundation of each building with a minimum width of ten (10) feet when the building height is more than the lesser of three stories or 35 feet, and a minimum width of five (5) feet when the building height is less than the lesser of three stories or 35 feet. All such minimum widths shall be measured from the edge of the building.
 - (b) Distance. The landscaped area shall be provided abutting each building and any attached structures, including decks and terraces, for a combined distance of not less than fifth (50) percent of the exterior perimeter of each such building and any attached structures, including decks and terraces.
 3. Plant Materials Required. All such landscaped areas shall contain any combination of shade trees, ornamental trees, evergreen trees, shrubs, flowering

plants, ground cover plants, and other native or ornamental grasses and plants. All areas adjacent to a building or structure that are not paved and not otherwise landscaped as required by this Subsection shall be sodded and maintained with a grass cover or other plant material.

4. Design. All such landscaped areas shall be designed to meet the following standards, as applicable to the lot:
 - (a) screening from view any mechanical equipment, air conditioning units and other equipment not located within the building; service areas; and loading docks;
 - (b) provide visual relief along large expanses of building walls and accent building entrances and architectural features; and
 - (c) enhance walkways, entrances, outdoor seating areas, and other pedestrian areas.

C. Parking Lots and Garages.

1. Parking Lot Screening.

- (a) Every parking lot visible from a right-of-way or any public or private street shall, to the extent hereinafter specified, be buffered and screened for a height of not less than two (2) to three (3) feet above grade. Visibility from the right of way needs to be considered for security purposes.
- (b) Every parking lot adjoining any lot located in any residential district, the Institutional Buildings District, or the Open Space District shall be screened from view from any office, commercial or industrial district lot for a height of not less than six (6) feet above grade.
- (c) Location and Materials. All parking lot screening required by this Section shall be located between the edges of the parking lot and the property line and be no less than three (3) feet in width.

2. Parking Lot Interior Landscaping.

- (a) Trees. In addition to the requirements set forth in Paragraph A above, every parking lot containing ten (10) or more parking spaces shall contain at least one (1) tree, of three (3) inches or greater in diameter, for each eight (8) parking spaces provided.

Such trees may be provided by the preservation of existing trees or the planting of new trees and shall be planted at a sufficient distance from each other for healthy growth based on current standards generally observed by professionals in the arboriculture, forestry, landscaping, and landscape architecture professions. No existing or new tree located more than five (5) feet outside the perimeter of the paved parking area shall be counted in meeting the requirements of this Paragraph. More than fifty (50%) percent

of the trees required by this Paragraph shall be located in landscaped islands within the interior of the paved parking lot.

- (b) Relief. A parking lot, new construction or existing, with site constraints may ask for relief from the subsection, 9-107.C.2.a, but shall provide as many trees it is seeking relief from planting to the city in lieu of. Each tree must meet the specifications and standards set forth in these guidelines and the city code of ordinances. Such relief shall be granted through the design review process.
- (c) Other Requirements. All islands shall be generally dispersed throughout the interior of the parking lot and shall be not less than one hundred (100) square feet in area and shall be of such dimensions that shall support the healthy growth of trees and other landscaping therein, based on current standards generally observed by professionals in the arboriculture, forestry, landscaping, and landscape architecture professions. All such islands, created curbs or other traffic flow regulators shall be landscaped with shrubs, flowering plants, ground cover plants, sodded lawn or mulch. No material in islands interior to parking lots other than trees shall be more than thirty (30) inches in height above adjacent pavement.

3. Parking Garage Design. Every parking garage, other than garages accessory to single family dwellings, constructed after the effective date of this Code shall comply with the following design standards:

- (a) The exterior walls of the garage shall be a minimum of five (5) feet in height.
- (b) The exterior surface of the garage shall be constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building to which it is accessory.
- (c) The foundation landscaping requirements of this Section 9-107.

D. Loading Spaces. Every loading space visible from any lot zoned for residential use, whether or not such residential use is within the City, shall, except as necessary for access, be screened on all sides visible from any such lot by an opaque fence (but not including chain link fences), wall or densely planted evergreen hedge of not less than six (6) to eight (8) feet in height.

E. Perimeter Landscaped Open Space. Except as expressly provided otherwise in the district regulations requiring a perimeter landscaped open space, all required perimeter landscaped open space shall extend along the entire length of the lot line in question and shall have a width equal to fifteen (15) feet or the depth of the yard required along the lot line in question, whichever is greater. Such space shall be broken only by required access drives. Such space shall be suitably surfaced with grass, groundcover or decorative paving material, or a combination thereof; shall contain landscaping such as

ornamental trees and shrubs or appropriate screening devices such as decorative walls, fences (but not including chain link fences) or berms, or a combination thereof. The landscaping and screening treatment of such space shall be so designed and maintained as to preserve unobstructed vision of the street and sidewalk at points of access and as not to interfere with, or be damaged by, work within any public or utility easement unless the Community Development Director shall determine that no other location is reasonably feasible.

F. Special Protective Requirements for Non-Dwelling Uses Abutting Residential Use. Notwithstanding any other provision of this Section 9-107, in any case where a lot to be devoted to any use other than a dwelling abuts or is across a right-of-way from any lot zoned for residential use, whether or not such lot is within the City, the use and development of the lot to be devoted to the non-dwelling use shall be subject to the following requirements:

1. Special Building Setback for Buildings Over fourteen (14) Feet in Height. All buildings over fourteen (14) feet in height shall be set back from any front or corner side yard line facing a residential district a distance equal to the setback normally required or to the front yard required in the adjacent residential district, whichever is greater, and from any other yard line a distance equal to the yard normally required or 25 feet, whichever is greater.
2. Special Landscaping and Screening of Special Front and Corner Side Setbacks. Any front or corner side yard setback required pursuant to Paragraph 1 above shall be treated as a perimeter landscaped open space.
3. Special Landscaping and Screening from Residential Uses and Districts. Any side or rear lot line, and all lot lines of any industrial use, abutting a dwelling use or a residential district shall be buffered by a perimeter landscaped open space of at least five (5) feet in width along such lot line, which shall be sufficient to provide a total visual screen at least six (6) feet in height along the entire length of such line. Industrial uses abutting or across a right-of-way from any lot zoned for residential use shall, in addition to the other requirements provided in this Paragraph, be screened by an eight (8) foot fence (but not including chain link fences) located within the perimeter landscaped open space.
4. Additional Perimeter Open Space for Outdoor Activity Areas. Any area of permitted outdoor activity likely to produce visual or auditory disturbance or annoyance on any abutting residential lot whether or not located within the City shall be separated from said lot by a perimeter landscaped open space at least twenty (20) feet wide or by a buffer found by the Community Development Director to be reasonably sufficient to create a visual barrier, to absorb and diffuse noise, and to ensure the private enjoyment of said lot.
5. The provisions of this Subsection 9-107 F shall not apply to any use established prior to the effective date of this Code.

G. Enclosure of Uses Required. Except where otherwise expressly authorized by this Code, all permitted uses shall be conducted within a completely enclosed structure.

H. Roof Top Mechanical Equipment. Except for antennae mounted on roofs pursuant to the provisions of this Code, all mechanical equipment located on the roof of any building constructed after the effective date of this Code shall be fully screened by a parapet wall or other screening structure constructed of materials compatible with the principal building façade to the height of such equipment.

I. Refuse Containers; Outdoor Storage.

1. Screening. All refuse containers and all areas permitted outdoor storage shall be enclosed by a screening fence (but not including chain link fences), wall or densely planted evergreen hedge of a height sufficient to screen such containers or storage areas from view from adjoining properties and public or private streets.
2. Location. No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line.
3. Exemptions. The requirements of Paragraph 1 hereof shall not apply to standard receptacles permitted for use by single family dwellings or to receptacles accessory to schools. None of the requirements of this Subsection shall apply to receptacles placed and maintained for use by the general public to avoid littering or to receptacles temporarily placed on construction sites for the purpose of collecting construction debris.

J. Screening and Landscaping Within Sight Triangles. Notwithstanding any other provision of this Section, no landscaping, fencing or other screening shall be erected or maintained at a height in excess of two and one-half (2 ½) feet within the area of any sight triangle as defined in Subsection 12-206 of this Code.

K. Fences and Walls.

1. When located in a required yard, fences shall be installed with the finished side facing the neighboring property.
2. Barbed wire fencing shall not be used, except in the I1 – Industrial District where necessary for safety measures.
3. Except where a greater height is expressly authorized for screening purposes pursuant to this Section or when all fences and walls erected as a permitted obstruction in any required yard shall be subject to the following height limitations:

<u>Location</u>	<u>Maximum Height of Fence</u>
Single Family Residential Districts	
The corner side yard of a lot, except when the fence is determined to negatively impact the safety or aesthetics of the streetscape	6 feet
The corner side yard of lot, safety and aesthetic impact	3 feet
All other yards when abutting a residential use	6 feet
All other yards when abutting a nonresidential use	8 feet

All Other Districts	
Front and corner yards	3 feet
All other yards	8 feet

PART II - SUPPLEMENTAL REGULATIONS FOR PARTICULAR USES

9-201: PERSONAL WIRELESS SERVICES

- A. Authorization. Subject to the limitations of this Section 9-201, all uses and structures are subject to the following standards, regulations, and requirements at all times in those zoning districts in which they are permitted or special permit uses.
- B. Location. Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
- C. Design of New Antenna Support Structures for Co-Location. Unless otherwise authorized by the City Council for good cause shown every new personal wireless services antenna support structure of a tower design shall be designed, constructed and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least one additional personal wireless service provider on such structure in the future. Any special permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless service providers on commercially reasonable terms specified in such special permit.
- D. Tower Design. Every new personal wireless services antenna support structure that is of a tower design shall:
1. Be a monopole rather than latticework, unless otherwise authorized by the City Council for good cause shown;
 2. Not be illuminated or have any signs installed thereon unless otherwise required by federal law or regulations; and
 3. Be separated from any principal building by a distance that is not less than 110 percent of the height of the tower. For the purposes of this requirement, this distance shall be measured horizontally from the center of the base of the supporting structure of the tower to the point where the ground meets a vertical wall of such principal building.

Any deck on such a tower shall be centered on the tower and the radius from the center of the tower to the outside of the deck shall not exceed six feet. Each side of the deck shall not exceed six feet vertically.

E. Antennas on Buildings. Antennas that are installed are to conform with one of the following:

1. Such antennas shall be located only on a lawfully pre-existing building and shall not exceed the following dimensions:
 - (a) Omni-directional or whip antennas shall not exceed six (6) inches in diameter and twelve (12) feet vertically; and
 - (b) Directional or panel antennas shall not exceed three (3) feet horizontally and six (6) feet vertically;

or

2. Such antennas and any necessary antenna support structure are fully enclosed or shielded from view from any point located off the zoning lot on which they are located by a structure otherwise permitted on the zoning lot and all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot.

All such antennas shall not exceed the maximum height authorized by applicable zoning district regulations, and shall not extend above the highest point of the building or structure to which they are attached or more than two (2) feet from the exterior of any wall or roof of the building to which they are attached. In no event shall a total or more than six (6) antennas of the types and sizes described in Paragraph 1 of this Subsection be located on any building in the C-3 District.

F. Color. Every personal wireless services antenna and antenna support structure shall be neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.

G. Landscaping and Fencing. In addition to any other applicable requirements of Section 9-107 of this Code, all ground-mounted antennas, antenna support structures, related electronic equipment and equipment enclosures shall be subject to the following:

1. In order to minimize the visibility of such facilities, a natural screen or fence shall be erected if not already provided, so as to provide the maximum reasonable achievable screening as determined by the Community Development Director.
2. Any natural screen shall be a minimum of six (6) feet in height when planted, with dense plantings spaced no more than two (2) feet apart.
3. Any fence shall be a minimum of four feet in height, except where fence height is otherwise limited by Section 9-107 of this Code, and shall be of a style of construction that provides a visual shield of the facilities.

- H. Protection Against Climbing. Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.
- I. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure. Any free-standing structure that is not attached to or within an existing building or located completely below grade shall not exceed a maximum height of fifteen (15) feet.
- J. Licenses and Permits. The operator of every personal wireless services antenna shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna. In addition, any such operator shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof, when requested by the Community Development Director.
- K. Compliance with Plans. Every personal wireless services antenna and antenna support structure shall comply with all plans approved by the City.
- L. Limited to Applicant. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure shall state that any assignment or transfer of the special permit or any of the rights thereunder may be made only with the approval of the City Council.
- M. Term Limitation. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure may provide that:
1. where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special permit is limited to the term of the lease or other agreement granting rights to use the land; and
 2. the special permit shall be subject to review by the City Council, at ten year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the special permit at the time of its approval has been eliminated or modified, and whether the special permit should be modified or terminated as a result of any such change.

Abandonment and Removal. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve (12) months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the City. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within ninety (90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt required, by the City to such owner at the last known

address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.

9-202: AUTOMOBILE DEALERSHIPS (NEW & USED)

- A. Authorization. Subject to the limitations of this Section 9-202, all uses and structures are subject to the following standards, regulations, and requirements at all times in those zoning districts in which they are permitted or special permit uses.
- B. Location. Automobile dealerships shall be located on a zoning lot with a minimum lot frontage of 160 feet and a minimum lot area of one (1) acre, or 43,560 square feet. No special use permits authorizing construction of an automobile dealership, the addition to or expansion of an existing automobile dealership, or renovation of an existing structure to be used as an automobile dealership, shall be authorized unless the applicant is able to demonstrate compliance with the minimum area requirement of this paragraph and of the remaining requirements of this Section 9-202, on commercially reasonable terms, and sufficient for the location of an automobile dealership (new or used) for the provision of automobile sales. Additionally, automobile dealerships shall not be located on either side of Cicero Avenue as bound by 155th Street, to include the first zoning lots on either side of Cicero Avenue directly north of said street, and the centerline of 160th Street to the south.
- C. Design of Outdoor Storage of Automobile Inventory. Unless otherwise authorized by the City Council for good cause, every automobile dealership shall be designed, constructed and maintained to be of a sufficient size and capacity to allow the placement of automobiles in an organized manner that accommodates adequate circulation and provides for a reasonable amount of inventory on the zoning lot, subject to the requirements stated in Paragraph 9-202(D).
- D. Design Standards for Parking. Every automobile dealership shall comply with the following design standards, in addition to any other applicable requirements of Sections 9-107 of this Code that these design standards do not otherwise govern. These standards shall take precedence over any other such requirements of this Code that would otherwise apply.
 - 1. *Number of parking spaces.* The minimum number of parking spaces for automobile dealerships shall be the total of the below required minimums:
 - (a) *For employees and customers:* minimum of one (1) space per 250 square feet of net floor area.
 - (b) *For automobile inventory:* maximum as determined by the Planning and Zoning Commission.
 - 2. *Minimum parking space and circulation dimensions.* The minimum requirements below shall apply.

Parking Space Dimensions			
PARKING ANGLE	SPACE WIDTH	SPACE LENGTH	SPACE HEIGHT
Parallel	9	22	N/A
30°	9	33.6	18
45°	9	26.9	12.7
60°	9	22.9	10.3
90°	9	18	8

Circulation Aisle Dimensions		
PARKING ANGLE	ONE-WAY	TWO-WAY
Parallel	12	12
30°	12	12
45°	13	14
60°	18	19
90°	20	22

3. *Enclosures for automobile inventory.* In lieu of meeting the requirement of Subparagraph 9-202(E)(1), this subparagraph shall apply at the discretion of the Community Development Director and as conditioned upon approval of the special permit. In order to provide security for such facilities, parking bollards painted a neutral color, shall be installed along the edge of the parking lot at a minimum of four (4) and one-half (1/2) feet apart along the front and corner side yards and have a minimum height of two (2) feet.

E. Landscaping. Every automobile dealership shall comply with the following landscaping requirements, in addition to any other applicable requirements of Section 9-107 of this Code that these design standards do not otherwise govern. These standards shall take precedence over any other such requirements of this Code that would otherwise apply.

1. *Parking lot buffering.* All parking lot buffering shall be located between the edges of the parking lot and the property line. Landscape materials shall be installed directly along the edge of the parking lot as deemed appropriate by the Community Development Director.
2.
 - (a) *For properties along 159th Street.* Along front and corner side yards, the distance between the interior edge of the sidewalk and edge of the parking lot shall be no less than ten (10) feet. The area designated for the screening shall be no less than four (4) feet in width. The remainder of the area between the interior edge of the sidewalk and edge of the parking lot shall be landscaped with sodded lawn. Where contextually appropriate, the corner side yard parking lot buffering may be reduced to that as required in Subparagraph 9-202(E)(1)(b) of this Section, at the discretion of the Community Development Director.
 - (B) *For properties along Cicero Avenue.* Along front and corner side yards, the distance between the interior edge of the sidewalk and edge of the parking lot shall be no less than four (4) feet and shall be designated for

landscape screening materials. Parking bollards shall be installed in accordance of the requirements of this section.

3. *Interior parking lot landscaping.* Every automobile dealership containing fifteen (15) or more parking spaces shall contain at least one (1) tree, of at least three (3) inches or greater in diameter, for each ten (10) spaces provided. This number of parking spaces shall consist of the total number of spaces provided for employee and customer parking and the total number of spaces provided for automobile inventory. A minimum of fifty (50) percent of the required trees, or an amount lesser than as deemed reasonable by the Community Development Director and as conditioned upon approval of the special use permit, shall be located in landscaped islands within the interior of the paved parking lot.
- F. **Other Standards.** In general, automobile dealerships (new and used) shall be designed to accommodate adequate facilities for storm water management, including landscaping, permeable materials, and other infrastructure as deemed necessary by the Community Development Director. Any and all other improvements and their applicable plans shall be submitted for review as deemed necessary by the Community Development Director prior to a public hearing being scheduled.
- G. **Licenses and Permits.** The operator of every automobile dealership shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the dealership. In addition, any such operator shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof, when requested by the Community Development Director.
- H. **Compliance with Plans.** Every automobile dealership shall comply with all plans approved by the City.
- I. **Compliance with Laws.** Every automobile dealership shall comply with this Section, and all applicable federal, state, and local laws.
- J. **Affidavit of Compliance with Conditions.** Whenever any automobile dealership (new or used) is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon initially meeting such conditions, file an affidavit with the Community Development Director so stating and shall file such affidavit biannually. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the City's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- K. **Term Limitation.** Every ordinance granting approval of a special permit for an automobile dealership provide that where the city determines the owner or operator of the automobile dealership is not in full compliance with this section and with any and all conditions required at the time of special use permit approval, the lack of compliance shall be ground for revocation of the special use permit in accordance with paragraph 11-702(d) of this code.

PART III - SEXUALLY ORIENTED USES

9-301: PURPOSE AND INTENT

The purpose of this Chapter is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of sexually oriented businesses within the municipality in order to promote the health, safety, and welfare of the citizens of the municipality. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose nor effect of this Chapter to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Chapter to condone or legitimize the distribution or exhibition of entertainment that is obscene.

9-302: DEFINITIONS

EMPLOYEE shall mean a natural person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. **EMPLOYEE** does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

EXCRETORY FUNCTIONS shall mean urination, defecation, lactation, ejaculation and menstruation. It shall not mean urination and defecation performed in a public or employee-only restroom in the manner in which those facilities are intended to be used, and when not performed or presented for a commercial purpose. It shall not mean lactation as part of breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant.

MUNICIPALITY shall mean the City of Oak Forest, Illinois.

NUDITY or **NUDE** shall mean exposing to view specified anatomical areas or any device, costume, or covering that gives the appearance of or simulates any specified anatomical areas.

PATRON shall mean any natural person who is not an employee.

SEMI-NUDITY or **SEMI-NUDE** shall mean exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

SEXUALLY ORIENTED AMUSEMENT DEVICE shall mean any machine or device which is designed, intended, displayed or kept as an amusement or entertainment, and may be operated

upon the insertion of a coin, slug, token, plate, disc, electronic key, credit card, debit card or any similar item, or the use of which is made available for any valuable consideration, and which displays a natural person, people, or characters as in cartoons and animation, live or by any medium, including without limitation film, motion picture machine, projector, filmstrip, videotape, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, engaged in specified sexual activity or displaying specified anatomical areas.

SEXUALLY ORIENTED BUSINESS shall mean any of the following when done in a place where the public is invited or permitted, or when done for any commercial purpose including sale and rental, regardless of who pays or receives the consideration therefore, and regardless of the form of consideration:

1. Exhibition or display of a natural person or people in the state of nudity or semi-nudity, or engaged in specific sexual activities, or excretory functions;
2. Premises with a sexually oriented amusement device;
3. Rental or leasing of a hotel room, motel room or similar room for a period not exceeding ten hours, but not including dining rooms, banquet rooms, ball rooms, conference rooms and similar facilities unless they are used or to be used for specified sexual activities or excretory functions;
4. Offering of physical contact in the form of wrestling or tumbling between natural persons of the opposite sex, when one or more of the persons is nude or semi-nude, and also the offering of physical contact which constitutes specified sexual activities regardless of the sex of the person performing or receiving the contact;
5. Offering of products, services or activities by or with a natural person or people when one or more of the people, whether a patron, agent, employee or otherwise, is in a state of nudity or semi-nudity;
6. Displaying or offering to others any recorded depiction of a natural person, or created image or character, as in cartoons and animation, by any medium, including without limitation film, videotape, closed-circuit television, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, which is:
7. Characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas;
8. Advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas, including without limitation, the use of the term "adult" and the use of the designation of one or more "X" such as, but not limited to, "XXX";
9. The display and offering to others of novelties, instruments, devices, or paraphernalia that are designed primarily for use in connection with specified

sexual activities or that give the appearance of or simulate any of the specified anatomical areas;

10. The term SEXUALLY ORIENTED BUSINESS shall exclude the following:

- (a) The display and offering to others of condoms, spermicide or other non-prescription contraceptives, unless displayed and offered to others on the premises of a business which would otherwise be considered a sexually oriented business;
- (b) The display and offering to others of drugs, instruments or devices which require a prescription, that are designed primarily for use in connection with specified sexual activities, and which are in fact dispensed by or under the supervision of a pharmacist licensed by the State of Illinois;
- (c) The display and offering to others of instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities if they are displayed and offered to others on the premises where a pharmacist licensed by the State of Illinois is employed to dispense prescription drugs, instruments or devices;
- (d) Breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant;
- (e) The display and offering to others of motion pictures, by any format, which have received a rating from the Motion Picture Association of America of G, PG, PG-13, R or NC-17, when offered or displayed substantially in their entirety;
- (f) Libraries and museums funded in whole or in part by federal, state or local governmental funds;
- (g) The display and offering to others of items which would otherwise qualify as a sexually oriented business pursuant to this Section, if and only if the display and offering are done for a commercial purpose, and all of the following apply to the business displaying and offering such items to others:
 - (i) Less than 20% of its gross income comes from the sale, rental or exhibition of the following types of items;
 - (ii) Items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof;
 - (iii) Items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination

thereof, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX”;

- (iv) Less than 20% of its display space is used for the sale, rental or exhibition of the items described in paragraph (1)(a) and (b) above;
- (v) Less than 20% of the items it offers to others are the items described in subsection (1)(a) and (b) above; and
- (vi) The items described subsection (1)(a) and (b) above are segregated from all other displays and retail areas of the premises by a solid partition from floor to ceiling with no openings or windows and with entrance and egress by means of a solid door posted with a sign not less than one foot by one foot with the words “UNDER 18 NOT ADMITTED” lettered on the sign, except that magazines characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof may be displayed on racks or other display cases only if the magazine is encased or otherwise covered up and concealed from common view of anything other than the magazine title or text or other materials which would not be described as sexually oriented.
- (vii) Certain uses which fall within the definition of **SEXUALLY ORIENTED BUSINESS** may also constitute uses which are illegal under local, state or federal law, such as obscenity or child pornography. Even if such illegal uses constitute a **SEXUALLY ORIENTED BUSINESS** under the definition set forth in this Chapter, they shall not be permitted uses in any district.

SPECIFIED ANATOMICAL AREAS shall mean the human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, any portion of the areola of the female breast if less than a fully and opaquely covered; and the male genitals in a discernibly turgid state, even if entirely covered by an opaque covering. In determining whether any of the foregoing portions of the anatomy are fully and opaquely covered, coverage by make-up, paint, or similar matter applied directly to the skin, shall not be considered to be fully and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES shall mean any of the following, actual or simulated:

1. The fondling or other erotic touching regardless of whether the performer or recipient is clothed, in a state of nudity or in a state of semi-nudity;
2. The manipulation of the human body of another, including massage, by the use of any portion of manipulator’s body, whether covered or uncovered, or by any device, if the person performing the manipulation or the person receiving the manipulation is in a state of nudity or semi-nudity.
3. Sex acts, normal or perverted, heterosexual, homosexual or bisexual;
4. Sex acts between animals when offered or displayed for the purpose or with the intent of causing the sexual arousal of a human viewer.

9-303: SPECIAL USE

Any other ordinance or section of any ordinance notwithstanding, and subject to the setback requirements of Section 9-304, sexually oriented businesses shall be a special use only in the II Industrial District. Sexually oriented businesses shall not be a permitted use in any district.

9-304: SETBACK REQUIREMENTS

No sexually oriented business shall be located within 450 feet of the property boundary of any other sexually oriented business, and any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, place of religious worship, lot zoned for residential purposes, and lot used for residential purposes.

9-305: RESTRICTIONS ON USE

All sexually oriented businesses shall be conducted entirely within a fully enclosed business. No sexually oriented business shall be operated in any manner that permits the observation from outside the building of any image, material or entertainment depicting or describing excretory functions, specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by display, decoration, sign, window or any other means.

9-306: SIGNAGE

No sexually oriented business shall advertise by way of billboard, sign boards or sign, within 450 feet of any school, day care center, cemetery, public park including any lineal recreational area like a bike path, public housing, and place of religious worship.

9-307: OTHER REGULATIONS

The restrictions set forth in this Chapter shall supersede any other restrictions found in other ordinances or other sections of any ordinance as applied to sexually oriented businesses, if the terms of the restrictions are in conflict.

9-308: AMORTIZATION

If at the time this Chapter becomes effective, any sexually oriented business exists in a location not permitted by this Chapter or is otherwise not in compliance with this Chapter, then the sexually oriented business shall constitute a legal non-conforming use. However, notwithstanding any other ordinance or section of any ordinance to the contrary, the legal non-conforming sexually oriented business shall come into compliance with the requirements of this Chapter within one year of the effective date of this Chapter. No sexually oriented business shall constitute a legal non-conforming use after one year after the effective date of this Chapter.

PART III - B MASSAGE ESTABLISHMENTS

9-309: PURPOSE AND INTENT

The City has not in the past been a primary location of several massage establishments, investigations have consistently found that the overwhelming majority of massage establishments are legitimate businesses, serving the needs of residents and clients from surrounding communities. However, from time to time, businesses have opened purporting to be massage establishments, only to be found later to be illicit operations that harm the public health, safety, and welfare, as well as casting a negative image for legitimate massage establishment businesses. Therefore, the purpose of Part III B is to ensure that massage establishments are operated in a manner conducive to the public health, safety, and welfare, and to protect and promote the business image of reputable massage therapy establishments.

9-310: MASSAGE ESTABLISHMENTS: ACCESSORY USES

From and after the effective date of this Ordinance, massage establishments shall only be permitted as a special accessory use to a principal use in the following zoning districts: C1, C2 C3 Districts and O1 District.

9-311: APPLICATION REQUIREMENTS

Any person seeking to obtain approval under this Chapter to operate an accessory massage establishment must, in addition to the application and supporting materials filed with the village business office for a business license, provide the following minimum information:

- A. Written authorization from principal business operator to apply for approval to operate an accessory massage establishment;
- B. Sketch plan of proposed massage establishment depicting, among other things:
 - 1. Number of massage therapy rooms or beds;
 - 2. Reception and waiting area;
 - 3. Bathroom facilities, if different from principal use; and
 - 4. Dimensions of space devoted to massage establishment, including (i) total square footage of such space, and (ii) certification that such space does not exceed 25% of the total gross floor area of the principal business, and
- C. Term of any lease or other occupancy arrangement with principal use operator.

9-312: BULK REGULATIONS

No massage establishment, including, without limitation, any reception area, waiting area, office area, and bathroom, shall occupy more than 25% of the gross floor area of the principal use.

9-313: SPECIAL NON-CONFORMING USE PROVISIONS

- A. Any lawfully existing massage establishment operating as a standalone business on the effective date of this ordinance may be continued so long as it remains otherwise lawful, subject to the regulations set forth in Subsection B below.
- B. No lawfully existing massage establishment operating as a standalone business on the effective date of this Ordinance shall be permitted to:
 - 1. Extend such use, including its accessory uses, to any structure or land area other than that occupied by such use on the effective date of this Ordinance or any amendment that causes such use to become nonconforming;
 - 2. Extend such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code or any amendment that causes such use to become nonconforming; and
 - 3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Code, or any amendment that causes such use to become nonconforming.

PART IV - DESIGN GUIDELINES

9-401: DESIGN REVIEW PERMIT REQUIRED.

Unless a Design Review Permit shall have first been obtained pursuant to Section 11-505 of this Code, no person shall perform, cause, or permit any construction, alteration, remodeling, removal, movement, or demolition of any building, structure, or other improvement of or on any property, and no person shall be entitled to the issuance of a permit authorizing any such work.

For purposes of this Section 9-401, all work described in the preceding sentence shall, collectively, be defined as “Improvement Work.”

A. Exemptions.

1. No Design Review Permit shall be required for Improvement Work related directly to the repair of fire, storm, or other catastrophic damage; provided that the Improvement Work contemplates substantially the same material and configuration as existed prior to the fire, storm, or other catastrophic damage, and is otherwise in accordance with all applicable codes and ordinances.
2. No Design Review Permit shall be required for any Improvement Work that is determined to be within the Level I Design Review, as described in Subsection 9-401B of this Code.

B. Modified Design Review Process. The process for securing the issuance of a Design Review Permit for Improvement Work shall be as set forth in Section 11-505 of this Code, except as follows:

1. Applications. All applications for a Design Review Permit for Improvement Work shall be submitted to the Community Development Director for a determination of whether a Level I, Level II, or Level III design review is appropriate and required. The determination of the Community Development Director shall be final unless a written appeal there from is filed with the Planning and Zoning Commission, in which case the determination of the Planning and Zoning Commission shall be final.
2. Design Review Process Levels.
 - (a) Level I. The Level I design review is for Improvement Work that consists exclusively or primarily of ordinary and routine maintenance and repair activities that may require a building permit pursuant to the City’s Building Code. Examples of Level I activities include, without limitation, the following: repainting a building or sign exactly as the original; replacing a front door with one similar to the original; replacing light fixtures on the outside of a building with the same type of light fixture; changing the signage on an awning while keeping the awning itself the same; adding window air conditioning units to the rear or side of a building; resurfacing or re-striping a parking lot; replacing a roof, door, or window with the same type of roof, door or window; or replacing or repairing steps with the same

type of step. The Level I design review shall consist only of written notification to the Community Development Director prior to the commencement of the applicable Improvement Work. The issuance of a Design Review Permit shall not be required for any such Improvement Work.

- (b) Level II. The Level II design review is for Improvement Work that consists of either (i) ordinary and routine maintenance or repair activities that would require a building permit pursuant to the City's Building Code or (ii) minor replacement work activities. Examples of Level II activities include, without limitation, the following: replacing a sign with a different type of sign; replacing a roof, door, or window with a different type of roof, door, or window; adding an awning to a building; replacing an awning with an awning of a different style or material; painting a building or sign with a different color than the original; or replacing steps with a different type of step.

The Level II design review shall consist of review by the Planning and Zoning Commission in accordance with the procedures set forth in Subsections 11-505D of this Code; provided that no action by the City Council shall be necessary or required. The Planning and Zoning Commission shall have final authority to grant a Design Review Permit with respect to all Improvement Work within the Level II design review.

- (c) Level III. The Level III design review is for any and all Improvement Work that, as a result of its substance, detail, scope, and complexity, requires a more comprehensive review than that allowed by a Level I or Level II design review.

The Level III design review shall consist of all of the procedures and requirements set forth in Section 11-505D of this Code.

9-402: BUILDING AND STRUCTURE DESIGN

Applicable to all Commercial and Multi-Family Districts or any new single family construction (Level II), buildings and structures and all major exterior renovations, additions and façade changes shall conform to the following regulations:

- A. Buildings and structures shall be consistent with the architectural character, scale and in harmony with the vicinity and of adjacent property.
- B. Building materials shall be selected for suitability in the context of the neighborhood. Buildings shall use the same materials or those which are architecturally harmonious for all building walls and other exterior components that are wholly or partially visible from public ways.
- C. Building materials shall be of durable quality.

- D. Brick, other masonry materials or other attractive materials approved by the Design Review Committee shall be used for all sides of all non-residential development, multi-family, duplex, townhouse and other non-single family residential dwelling units, and shall be installed per City Building Code specifications. The use of stucco, e.i.f.s (i.e. dryvit), wood, glazed tile or decorative concrete block shall be limited to accent the building.
- E. Flat roofs and mansard roofs are discouraged except where such roofs are the predominant style in the neighborhood.
- F. Building components, such as windows, doors, eaves and parapets shall be consistent in proportion and style with the predominant style of the neighborhood.
- G. Exterior lighting should be a part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.
- H. Signs shall be part of the architectural concept and shall conform to the regulations set forth in this Article IX, Part I-C.
- I. Color schemes should consider the character and quality of structures in the area. Excessively bright colors should be used only for accent. Materials and colors should withstand the weather for a twenty-five (25) year period.