

## **ARTICLE XVI Additional Requirements, Exceptions and Modifications**

### **Section 1. GENERAL.**

The requirements and regulations specified elsewhere in the Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations contained in this Article.

### **Section 2. HEIGHT LIMITS.**

Height limitations stipulated elsewhere in the Ordinance shall not apply in the following situations.

- 2.001 To barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to antennas, church spires, belfries, cupolas and domes, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if, in the opinion of the Zoning Officer, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Appeals,
- 2.002 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Appeals.

### **Section 3. FRONT YARD EXCEPTIONS AND MODIFICATIONS.**

- 3.001 Front yard requirements do not apply to the following: bay windows or balconies occupying in the aggregate not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from both main corners of the front wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the front wall; or chimneys, flues, belt courses, downspouts, sills, pilaster, uncovered porches; trees or plantings or similar features not over three (3) feet higher than the average finished grade and five (5) feet distant from every lot line.
- 3.002 In any district where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least ten (10) feet.
- 3.003 Fences may be erected between the building line and the front lot line to a height not exceeding forty-eight (48) inches, except that no such fence shall be erected within thirty (30) feet of a street intersection from the front lot line to the building line, except that no such fence shall be erected within thirty (30) feet of a street intersection.

#### **Section 4. SIDE YARD EXCEPTIONS AND MODIFICATIONS.**

- 4.001 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a minimum required width equal to that required in the more restrictive district.
- 4.002 On a corner lot the minimum required width of a side yard abutting a street shall be equal to the required front yard depth of such corner lot. No part of any accessory building shall be nearer a side lot line abutting a street than the minimum required depth on any front yard required along such street.
- 4.003 The following projections or structures may be permitted in side yards:
- a. Accessory buildings or structures subject to the provisions contained elsewhere in the Ordinance.
  - b. Fences, planting or walls not over six (6) feet above the average natural grade.
  - c. Fire escapes, three (3) feet or more from the side lot line. Bays and balconies not extending more than three (3) feet from the building, provided these projections are entirely within planes drawn from both main corners of the side wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the side wall, The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the wall of the principal building.
  - d. Chimneys, flues, belt courses, downspouts, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1 1/2) feet.
  - e. Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and at least three (3) feet distant from a side lot line.

#### **Section 5. REAR YARD EXCEPTIONS AND MODIFICATIONS.**

The following projections or structures may be permitted in rear yards:

- 5.001 Accessory buildings or structures subject to the provisions contained elsewhere in the Ordinance.
- 5.002 Fences, or walls, not over six (6) feet above the average natural grade.
- 5.003 Fire escapes, not more than six (6) feet wide, bays and balconies not more than three (3) feet wide, provided these projections are entirely within planes drawn from both main corners of the rear wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall,
- 5.004 Chimneys, flues, belt courses, downspouts, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1 1/2) feet.
- 5.005 Terraces, steps, uncovered porches, or similar features extending not more than ten (10) feet into a required rear yard, but not closer than six (6) feet to an alley or ten (10) feet to a rear lot line, if there is no alley.

**Section 6. SIGNS.**

6.001 GENERAL PROVISIONS.

- A. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color it may impair, obstruct, obscure or be confused with any authorized traffic control sign, signal or device and shall not be located in the traffic visibility area at corner lots, as herein provided.
- B. No on building, on-site or off-site sign or billboard having flashing, scrolling, or animated illumination shall be permitted within any zoned district of the Village, except as approved by the Planning and Zoning Board. Said sign shall not have a bright white light(s) or bright white background lighting between the hours of sunset and sunrise, which may distract driver(s) or create a nuisance, and shall not contain any flashing light(s) component. Time and temperature signs are exempt.
- C. No sign or advertising device shall be erected or placed within one hundred (100) feet of any "R" District.
- D. A banner is any sign of any fabric, plastic or similar material that is mounted to a pole or poles or to a building by one or more edges of the fabric. A banner, not to exceed twenty (20) square feet is allowed in a "B" district, if adjacent to any "R" district, otherwise a banner not to exceed thirty two (32) square feet is allowed in a "B" or "I" district. Banners are permitted in a commercial or industrial district, with no more than one (1) banner per building street frontage, at a business location. All banners must be at least ten (10) feet from a property line adjacent to any "R" district.
- E. The flag of the United States, the State of Illinois, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are permitted provided that such a flag shall not exceed sixty (60) square feet in area and shall be flown from a pole, the top of which is not more than five (5) feet higher than the building height of the zoning district in which it is located. Any allowable flag shall be separated from any other allowable flag by at least fifty (50) feet horizontally, unless on the same pole, in which case only two (2) flags are allowed per pole. Any flag not included above shall be considered a sign and shall be subject to regulation as such.
- F. Temporary signs are signs that are used only for a limited time period and are designed to be affixed, mounted or installed to a wall, pole or other mounting or support structure for purposes of non-permanent display.
  - 1. Non-electric temporary signs placed on the ground, or in windows of buildings with commercial or industrial uses which advertise sales, specials, or closeouts shall be restricted to illumination by normal lighting of the building or street lighting. Such signs shall be removed upon termination of the sale, special, or closeout or for a period not to exceed thirty (30) days, whichever time is occurs first.
  - 2. Temporary signs prior to the election pertaining to the candidacy of federal, state and local elected officials or other voting issues, shall be allowed only in compliance with Illinois state laws. Said signs shall be removed, as provided by law, after the election.

3. Temporary signs shall be located on private property. No part of a sign shall be located on the public right-of-way and in the required traffic visibility area, herein provided.

G. Permits required. It shall be unlawful for any person to erect, structurally alter, or relocate within the Village any permanent sign, temporary sign, or banner, except as identified herein, without first obtaining any required permit and payment of permit fees required here under.

1. Duration. If the work authorized under an erection permit has not been completed within twelve (12) months after date of issuance, said permit shall become null and void, and a new permit will be required.

2. Permit and fees for Banners. A permit and an associated fee of twenty dollars (\$20.00) will be required for the thirty (30) day placement of any banner within the Village limits of Coal Valley. Permits for banners will be allowed per business establishment during a one-year period (1 May – 30 April).

3. The following signs are exempt from the requirements to obtain a permit before installation:

a. Signs used by any Federal, State and/or Local government authority.

b. Non-illuminated projecting signs two and a half (2.5) square feet or less, located at least eight (8) feet above grade.

c. Temporary signs or banners erected to “welcome home” an individual(s), recognize an individual’s birthday, or anniversary and are in place no longer than seven (7) days.

d. Temporary signs for garage sales and reunions and are in place no longer than seven (7) days.

e. Temporary signs, used for Federal, State and Local Elections.

I. BUSINESS CLOSING. Any type of sign and/or sign face shall be removed within ten (10) days of the closing of said business or operations for the applicable sign(s), except the address of the property shall remain.

6.002 RESIDENCE DISTRICTS. In any Residence District the following regulations shall apply:

A. For one-family and two-family dwellings, an identification sign not exceeding two (2) square feet in area shall be permitted for each dwelling unit. Such sign shall indicate nothing other than the name of the occupants and/or address of the premises.

B. For multiple-family and group dwellings, an identification sign not exceeding nine (9) square feet in area shall be permitted. Such sign may have indirect lighting and may indicate name of the complex, owner, phone

contact, occupants, address of the premises and/or vacancy status.

- C. A non-illuminated sign to announce a subdivision development is permitted not exceed 32 square feet in size. Such signs shall be removed when 80 percent of the lots of that subdivision are sold, the remaining lots can have individual lot signs pursuant to this ordinance.
- D. Sandwich boards or identification signs shall be permitted to announce the activities of a church, school or other public building or use. These types of signs can be put up 3 weeks prior to the event but must be removed within 7 days of the completion of the event.
- E. Banners, flags and pennants will be allowed in residential districts in conjunction with a demonstration of model homes in a new subdivision before the opening of such demonstration and after and not to exceed a total period of sixty (60) days in any calendar year. Such banners, flags and pennants shall be removed when 80 percent of the lots of that subdivision are sold, the remaining lots can have individual lot signs pursuant to this ordinance.
- F. Real Estate signs, not to exceed five (5) square feet, for the sale or rental of a property in residential zoned areas of the Village are considered temporary and must be removed within 30 days once a property sale is closed or rented.
- G. All other signs are prohibited in "R" Districts.

6.003 OFFICE AND BUSINESS DISTRICTS. The following regulations shall apply with respect to Office and Business Districts:

- A. In the "O-1" District and the "B-1" District, on-building signs shall be permitted, but shall not exceed one and one-half (1 1/2) square feet of surface area for each one (1) lineal foot of building face. Off-site signs such as billboards are prohibited. An on-site sign is permitted but will not exceed 36 sq. ft. in size per side excluding base or pole identifying/advertising the business. Multiple businesses on the same property are required to have a "monument" sign for all businesses at that location. The monument sign shall not exceed sixteen (16) feet in height from the ground to the top of the sign and six (6) feet in width and sixteen (16) inches in depth.
- B. In the "B-2" District, on buildings and on-site signs are permitted. Refer to Paragraph 6.003, Sub Section (a) for type and size limitations. Off-site signs are permitted in accordance with the standards set forth in Section 6.005, Sub Section (a), only by Special Use Permit issued in accordance with the provisions of Section 10 of Article XVIII Administration.
- C. For Sale/Lease signs on real estate in areas zoned B-1, B-2 and O-1 are permitted and will not exceed 32 square feet in size. Such signs will be removed within 30 days of the closing on the sale/lease of the property.

- 6.004 INDUSTRIAL DISTRICT. The following regulation shall apply with respect to the Industrial District: On building and on-site signs are permitted, see paragraph 6.003. Sub Section (a) for size limitations. Off-site signs and advertising devices are permitted only by Special Use Permit issued in accordance with the provisions of Section 10 of Article XVIII Administration.
- A. For Sale/Lease signs on real estate in areas zoned Light Industrial are permitted and will not exceed 32 square feet in size. Such signs will be removed within 30 days of the closing on the sale/lease of the property.
- 6.005 OFF-SITE SIGN AND ADVERTISING DEVICE STANDARDS. In addition to any conditions that may be imposed under Section 10 of Article XVIII Administration, off-site signs and advertising devices must comply with the following requirements and conditions:
- A. Off-site signs and advertising devices shall not exceed 25 feet in height, from the ground level to the top of sign, and 300 square feet per face.
- B. Off-site signs and advertising devices classified as billboards shall comply with the minimum yard requirements of the zoning district in which they are located. Setback requirements for other off-site signs and advertising devices shall be determined during the Special Use Permit process.
- C. Along any highway designated by the State of Illinois as a freeway or interstate highway and along any street or highway designated a major arterial by the Village's Comprehensive Plan there shall be a minimum of 1,000 feet between off-site signs and advertising devices classified as billboards.
- 6.006 VARIANCES AND SPECIAL USE PERMITS. Any business or resident in the Village of Coal Valley can request a variance or Special Use Permit from this Ordinance, as provided.

**Section 7. STREET NUMBERS.**

Every new residential, commercial and industrial establishment built on any property in the Village subsequent to the date of the adoption of the Ordinance shall receive a street number assigned by the Zoning Officer in accordance with the current street numbering system of the Village. This number will be assigned at the time a Zoning Certificate and/or Building permit is issued and will be recorded thereon.

**Section 8. ADULT REGULATED USES:**

- A. Regulated Uses: The Supreme Court of the State of Illinois has judicially confirmed that the purpose of these amendments as hereinafter stated serves a valid governmental interest. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, particularly adjacent and nearby residential and commercial areas where nurseries, schools, nursing homes, and churches and similar uses are located, Proper and realistic zoning and special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood, or discouraging normal development of undeveloped areas.

These special regulations are itemized in this Section. To prevent such uses from having an adverse effect upon the adjacent and nearby residential and commercial areas above referred to, such uses are hereby established as permitted uses in the industrially zoned area of I-1 Light Industrial District at the easterly portion of the Village located on U.S. Highway 6, west of East 11<sup>th</sup> Street, as shown on the attached zoning district map as the hatched area, and in the overlay B-2(A) General Business, Adult Use District, as established by this Ordinance. In addition, any adult regulated use facility shall be surrounded by a perimeter buffer at least 50 feet wide and 6 feet high, consisting of shrubbery or plantings, to the satisfaction of the Planning Commission. Uses subject to these controls, hereafter referred to as adult regulated uses, are as follows:

Adult Bookstore  
Adult motion picture theater  
Adult mini-motion Picture Theater  
Adult entertainment facility featuring nude or semi nude dancing or modeling

Such adult regulated uses as set forth above are hereby prohibited from all zoning districts within the Village, except as permitted in the overlay B-2 (A) General Business, Adult Use District, and I-1 Light Industrial District, as shown on the attached zoning district map in the hatched area.

- B. Uses Presently Prohibited: None of the provisions of the Coal Valley Zoning Ordinance as amended pertaining to adult uses shall be construed to permit any use or activities that presently are, or in the future may be, prohibited by law.
- C. Prohibition of Graphic Materials: Any building or structure, within which an adult regulated use is lawfully operated, shall not use or display graphic sexual material, photos or drawings on the exterior of said business,, but shall designate said business to be an “adult business” and admission granted to adults only.
- D. No person, firm, corporation or association holding a license under this Ordinance shall permit any patron to bring onto the licensed premises or possess any fire arms or weapons on the premises, any alcohol or any beverage containing alcohol, or any cannabis or controlled substance, as defined in the Cannabis Control Act.