

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING CODE
- 151. ELECTRICAL CODE
- 152. HEATING CODE
- 153. PLUMBING CODE
- 154. SUBDIVISION REGULATIONS
- 155. TRAILERS AND MOBILE HOMES
- 156. ZONING CODE  
APPENDIX: DIAGRAMS AND SAMPLE FORMS
- 157. SIGN REGULATIONS
- 158. STREETS AND SIDEWALKS
- 159. COMPREHENSIVE PLAN
- 160. FLOODPLAIN REGULATIONS

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Section (9) Add to above permit fees for  
 150.01 Adoption by reference  
 150.02 Building permit fees

§ 150.01 ADOPTION BY REFERENCE.

The International Building Code (2000 Edition) and the International Residential Code (2000 Edition), at Exhibits A and B, respectively, as published by the International Code Council, and as hereafter amended, are hereby adopted as the Building Code of the city and incorporated as part of this code of ordinances as if set out at length herein. (Am. Ord. 82-0-5, passed 3-22-82; Am. Ord. 2004-0-1, passed 1-12-04)

Statutory reference:  
 Adoption of code by reference, see ILCS Ch. 65, Act 5 § 1-3-2

§ 150.02 BUILDING PERMIT FEES.

The following fees shall be collected by the Building Inspector for work permitted under this chapter:

(A) Building Permits. (Square footage for figuring permits includes all floors, including the garage and the basement)

	Valued less than	Valued more than
	(1) Minimum permit fee	\$25.00
	(2) New construction	\$7.50 per residential 100 sq. ft.
	(3) New construction	\$10.00 per commercial and 100 sq. ft. industrial
		Except storage only \$5.00 per structures 100 sq. ft.
	(4) Alteration, renovation and remodel	\$5.00 per 100 sq. ft. for the space
being altered		
100 sq. ft.	(5) Accessory structures	\$5.00 per
100 sq. ft.	(6) Flat work	\$.075 per
	(7) Mobile Homes	\$25.00
	(8) All other structures	\$25.00

(B) Additional expense associated with any permit. When, in the opinion of the Building Inspector, third party review, tests, inspections, or engineering review, tests, or inspections by the City Engineer,

or third party engineering firms is required to determine or verify compliance with the adopted codes of the city or state, those costs shall be paid by the recipient of the permit.  
(Ord. 86-0-8, passed 3-10-86; Am. Ord.

2002-0-5, passed 5-13-02; Am. Ord. 2004-0-17, passed 8-23-04; Am. Ord. 2005-0-11, passed 5-23-05)





## Section

- 151.01 Adoption by reference
- 151.02 (Reserved)
- 151.03 Illuminated signs
- 151.04 Disconnection in emergency
- 151.05 Disconnected or broken connections
- 151.06 Periodic inspections
- 151.07 Liability for damages

Permits

- 151.15 Permits required
- 151.16 Supervising electrician
- 151.17 Qualifications of supervising electrician
- 151.18 Service permits
- 151.19 Temporary service permits
- 151.20 Work not requiring permit
- 151.21 Inspection fees
- 151.22 Annual permit
- 151.23 Suspension of annual permit

- 151.99 Penalty

§ 151.01 ADOPTION BY REFERENCE.

(A) The city, for the purpose of establishing rules and regulations to protect public health, safety, and welfare with respect to the construction, alteration, moving, removal, demolition, equipment, use, occupancy, and maintenance of buildings and structures, adopts by reference and incorporates as fully as if set out at length herein, the National Electric Code, 2002 Edition, and as amended hereafter.

(B) Jurisdictional authority. When terms such as "Municipality," "Name of Jurisdiction", "Authority having Jurisdiction", and "Administrative Authority" are used in these code documents, such terms shall mean the City of Tuscola, Douglas County, Illinois.

(C) Enforcement responsibility. The Building Commissioner and Electrical Inspector are authorized to enforce and shall be responsible for the enforcement of the National Electric Code (as adopted by division (A) above), and any modifications thereto contained herein.  
(Ord. 81-0-9, passed 4-27-81; Am. Ord. 2004-0-3, passed 1-12-04; Am. Ord. 2006-0-5, passed 4-10-06)

## Cross-reference:

Modification to electrical code, see § 151.02

## Statutory reference:

Adoption of code by reference, see ILCS Ch. 65, Act 5 § 1-3-2

§ 151.02 (RESERVED).§ 151.03 ILLUMINATED SIGNS.

Illuminated signs of all types shall be a minimum of 12 feet from the sidewalk to bottom of signs. The maximum extension shall be ten feet from the property line, and not more than two feet within the curbline of the street. All signs in alleys shall be a minimum of 15 feet above driveways. The sign support shall be of steel of sufficient strength to support the sign adequately under all weather conditions. Guys shall be chain or stranded cable.  
( '69 Code, § 8-18)

§ 151.04 DISCONNECTION IN EMERGENCY.

Any person owning or controlling electric wires or apparatus for the transmission of light, heat, or power shall, in case of emergency, upon the request of the Chief of the Fire Department, any official in the Fire Department, the Electrical Inspector or any of his deputies, disconnect such wires as may be designated by such official.  
( '69 Code, § 8-20)

§ 151.05 DISCONNECTED OR BROKEN CONNECTIONS.

Connections, if broken or disconnected for reasons other than the mere replacing and removal of meters, shall, on notice from the inspection department, be inspected and approved before again being connected.  
( '69 Code, § 8-21)

§ 151.06 PERIODIC INSPECTIONS.

There shall be a periodic inspection of all business buildings and factories by the Fire Department and the City Electricians.  
( '69 Code, § 8-22)

## Cross-reference:

Fire prevention, see § 91.03  
Electrical inspection department, see § 32.01 et seq.

§ 151.07 LIABILITY FOR DAMAGES.

This chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property caused by any defect in the equipment, nor shall the city be held to assume such liability by reason of the inspection or reinspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.  
( '69 Code, § 8-23)

PERMITS

§ 151.15 PERMITS REQUIRED.

No electrical equipment shall be installed or altered in the city except upon a permit issued by the Electrical Inspection Department. The Electrical Inspection Department shall issue permits for the installation and alteration of electrical equipment in all cases where application is made in accordance with the rules and regulations applicable thereto. Each permit shall designate to whom it is issued, the location of the place where work is to be done and the class of such work. The Electrical Department shall inspect all electrical equipment altered or installed in the city.  
( '69 Code, § 8-50) Penalty, see § 151.99

Cross-reference:

Electrical inspection department, see § 32.01 et seq.

Statutory reference:

Electrical inspection department, see ILCS Ch. 65, Act 5 § 11-37-2  
Electrical standards, permits, fees, see ILCS Ch. 65, Act 5 § 11-37-3

§ 151.16 SUPERVISING ELECTRICIAN.

Before any permit to install or alter electrical work shall be issued to any person entitled to secure permits under this chapter, such person shall appoint or employ either himself or some other person for the purpose of the electrical regulation of this chapter, who shall be known as supervising electrician.  
( '69 Code, § 8-51)

§ 151.17 QUALIFICATIONS OF SUPERVISING ELECTRICIAN.

The supervising electrician shall not be less than 21 years of age, and shall have had at least two years experience in the installation, alteration, repair, and maintenance of electrical wires, equipment and apparatus, or an experience equivalent thereto. Applicants shall furnish the names and addresses of former employers, period of time employed, and in what capacity, proof of which service shall be furnished in a manner satisfactory to the Chief Electrical Inspector, or every applicant shall be required to answer a reasonable number of questions in writing, to show that he has sufficient knowledge and technical training to supervise the installation, alteration, repair, and maintenance of electrical wires and apparatus authorized by permits issued by the Electrical Department. Applicants shall be required to answer to the satisfaction of the Chief Electrical Inspector at least 70% of the questions prepared by the Chief Electrical Inspector.  
( '69 Code, § 8-52)

§ 151.18 SERVICE PERMITS.

(A) A service permit shall serve as an order from the Electrical Inspector authorizing the connection of services or other wires for the setting and connection of meters for supplying current in buildings covered by this chapter. Connections covering all electrical appliances, apparatus, or wire to become charged with electricity, either in buildings or outside of buildings, shall not be made until a service permit has been procured from the Electrical Inspection Department authorizing such connections.

(B) Before a service permit is issued, the Electrical Inspector shall make an inspection and approve wiring and apparatus in connection therewith in accordance with this chapter.

(C) Any person giving service and supplying the electricity under a service permit as herein provided, shall, upon written notice from the Electrical Inspector, disconnect such service wires

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800 amp	\$150.00	\$225.00
1000 amp		\$290.00
1200 amp		\$365.00
and larger		

and discontinue the service until such time as a new permit has been secured. ('69 Code, § 8-53)

(2) All other wiring: \$1.00 per \$100.00 project cost of the first \$50,000 project cost, \$.025 per \$100 of the remaining project cost.

§ 151.19 TEMPORARY SERVICE PERMITS.

The Electrical Inspector may, in case of large installation or where current for lighting or testing of motors or appliances is necessary before final completion of work, issue a temporary service permit, but such permit will be revocable and subject to final approval of all work by the Electrical Inspector. ('69 Code, § 8-54)

Minimum permit fee \$20.00

(3) When, in the opinion of the Electrical Inspector, third party review, tests, inspections, or engineering review,

§ 151.20 WORK NOT REQUIRING PERMIT.

A permit shall not be required for minor electrical repairs, maintenance or installation of six or less openings that are necessary and incident to the maintenance in good condition of an established plant, installation or system of wiring. This exception does not permit the installation of any new circuits or the extension of any circuits already installed. The holder of a wiring permit may install all wiring and fixtures on such permit; however, if any of the wiring or fixtures are installed by other than the party to whom the permit is issued, a permit must then be taken out by the party doing the work. ('69 Code, § 8-55)

§ 151.21 INSPECTION FEES.

(A) The following fees shall be

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(1) Electrical Permits. New construction and new service entrance:

	<u>Single phase</u>	<u>Three phase</u>
100 amp	\$35.00	\$50.00
200 amp	\$50.00	\$75.00
400 amp	\$75.00	\$125.00
600 amp	\$110.00	\$170.00

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tests, or inspections by the City Engineer, or third party engineering firms is required to determine or verify compliance with the adopted codes of the city or state, those costs shall be paid by the recipient of the permit.

(4) Electrician license/ registration - \$100 per year, \$5,000.00 performance bond, and passage 70% of electrical exam.

(B) At the discretion of the Electrical Inspector, permit fees may be paid on a monthly basis. All fees for permits shall be paid monthly by the Electrical Inspector to the City Clerk who shall deposit them in the general fund of the city. ('69 Code, § 8-56) (Am. Ord. 2002-0-5, passed 5-13-02; Am. Ord. 2004-0-17, passed 8-23-04; Am. Ord. 2005-0-11, passed 5-23-05)

§ 151.22 ANNUAL PERMIT.

At regular intervals the Electrical Inspector shall visit all premises where work may be done under annual permits and shall inspect all electrical equipment installed under such permit since the date of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with

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§ 151.99 PENALTY.

No person shall do any work or perform any of the operations prescribed in any section of this chapter without procuring and having in force the permit required by the Electrical Department. Any person who fails or refuses to allow inspection or who violates or fails to comply with any provision of this chapter shall upon conviction thereof be punished as provided in § 10.99. ('69 Code, § 8-59)

the provisions of this chapter after the fee required has been paid. ('69 Code § 8-57)

§ 151.23 SUSPENSION OF ANNUAL PERMIT.

Should any registered electrical contractor or any person operating on annual permits fail to correct any defect, error or deficiency in any work installed under the authority of a permit, within ten calendar days after written notification by the Electrical Inspector of the error, defect, or deficiency or within such reasonable time as may, upon request, be prescribed, the Electrical Inspector shall, until further notice, stop the issuance of permits to such electrical contractor or person operating on annual permits until the corrections have been made, inspected and approved. The Electrical Inspector is empowered to suspend the permit privileges of any registered electrical contractor or person operating under annual permits who fails to pay any just indebtedness to the city for inspection fees for electrical wires or apparatus, as fixed by this chapter, until such indebtedness is paid in full every 30 days. ('69 Code, § 8-58)

Section

- 152.01 Scope
- 152.02 Minimum design requirements
- 152.03 Equipment
- 152.04 Supply lines
- 152.05 Supply line installation in  
basementless houses
- 152.06 Return air
- 152.07 Return air ducts
- 152.08 Permit required
- 152.09 Permit requirements
- 152.10 Permit fees
- 152.11 Inspection of system designs
- 152.12 Inspection of work

§ 152.01 SCOPE.

(A) The provisions of this chapter shall be held to be the minimum requirements adopted for the protection of the health, welfare, sanitation, fire protection, and safety of the community and for the protection of the ultimate purchaser or user of the heating plant.

(B) The provisions of this chapter shall not apply to warm-air heating installations in nonresidential structures having a total minimum heat loss exceeding 250,000 BTU per hour.  
( '69 Code, § 5-34)

§ 152.02 MINIMUM DESIGN REQUIREMENTS.

Every gravity or forced air, warm-air heating plant shall be designed and installed in such a manner that it heats all rooms of the structure to be heated, so that the interior of the structure is heated to 70°F. on a day when it is 10°F. below zero outside, notwithstanding the fact that methods and procedures hereinafter referred to are followed.  
( '69 Code, § 5-35)

§ 152.03 EQUIPMENT.

(A) Every gravity or forced air, warm-air heating plant shall be figured on the basis of the manufacturer's capacity rating and is to be sized as prescribed herein.

(B) The heating plant shall be placed to give adequate accessibility to all mechanical parts and the placement of the heating plant shall adhere to the recommendations of the National Board of Fire Underwriters governing all clearances to inflammable substances.

(C) Fuel oil storage tanks, where required, shall be placed no less than seven feet from the warm-air heating plant.  
( '69 Code, § 5-36)

§ 152.04 SUPPLY LINES.

(A) Supply lines from the furnace to the register may be round or rectangular.

(B) There shall be no standardization of supply lines, when differentials of requirement occur.

(C) Each supply line, whether extending directly from mixing chamber or from extended master duct, shall be sized in accordance with C.F.M. or with BTU requirements.

(D) Where the warm-air heating system is designed with a main supply line or main duct to supply heated air for the branch supply lines or branch ducts leading to the various rooms, satisfactory heating of the home requires that this main supply line shall be of sufficient size to bring enough warm air to feed all the branches connected to it. Beginning at the extreme end of any main supply line, the main supply line shall increase in size and capacity as each branch is added to it. The increased capacity of the main supply line shall be equal to the capacity of branch supply line plus 10%. The aforesaid rules of installation concerning trunk and branch sizes of supply lines must be followed so as to avoid the undersizing of supply lines and ducts and to prevent the air in the supply lines from becoming hotter than required, thereby preventing overheating in the supply lines and ducts.

(E) All supply lines extending into or through unheated areas, shall be insulated.

(F) Where buried supply lines are employed for perimeter systems, access shall be provided for periodic cleaning; supply lines so installed shall be insulated and protected against collapse.

(G) As a further means to insure against overheating, all warm-air heating plants shall be equipped at the bonnet with a limit switch, which will put the heater out of operation whenever bonnet temperature reaches 200°F. on a forced air system or when it reaches 370°F. on a gravity system.

(H) For a residential air system, main or master supply line should be sized for air velocity of 1000 feet per minute.

(I) All branch lines should be sized for air velocity of 600 feet per minute.  
( '69 Code, §§ 5-37, 5-40)

§ 152.05 SUPPLY LINE INSTALLATION IN BASEMENTLESS HOUSES.

(A) Installations for basementless homes on slabs shall have supply lines from the furnace to the registers imbedded and anchored in the provided slab on which the building is erected.

(B) In homes erected over crawl space, the warm air supply lines may extend from the furnace to the registers through the crawl space.

(C) In all cases, the furnace must be connected to the registers with nonflammable piping.  
( '69 Code, § 5-41)

§ 152.06 RETURN AIR.

(A) Return air is required from all living quarters except kitchen and bath.

(B) In all installations of a warm-air heating plant covered by this chapter the furnace should have cold air returned to it from the various rooms in an amount approximately equal to the amount of the warm air taken from the furnace. Velocity at the return air grille is not to exceed 300 feet per minute.  
( '69 Code, § 5-39)

§ 152.07 RETURN AIR DUCTS.

(A) Return air ducts shall be sized in accordance with length and resistance.

(B) Where joist sheeting is utilized it must be installed in the following manner: all openings between floor joists must be caulked and sheeting nailed with not more than two-inch centers; all return air ducts extending in or through unheated spaces are to be insulated; all connections are to be fitted and tightened in a mechanical manner, extending through entire line to intake plenum.

(C) Placement and velocity of air-diffusing supply grilles:

(1) Where placing is in baseboard or immediately above, air velocities must not exceed 300 feet per minute;

(2) Where placement is above head level, velocity can vary from 500 to 700 feet per minute;

(3) All living quarters must be supplied with at least 15-minute air changes;

(4) All supply grilles are to be directly connected to either heating unit or master duct lines.  
( '69 Code, § 5-38)

§ 152.08 PERMIT REQUIRED.

It shall be unlawful for any person to construct, replace, or install any warm-air heating furnaces or appurtenances thereto within the city without obtaining from the Building Commissioner a permit to do such work.  
( '69 Code, § 5-42)

§ 152.09 PERMIT REQUIREMENTS.

When the permit provided for in this chapter is requested, the installer will be required to submit a plan of the proposed installation along with information about the total heat loss of the house, the size of the registers, size of branch pipes, size of main trunk and the size and capacity of the furnace selected. The heat loss figures shall be presented on an 8-1/2"x 11" heat loss calculation form as recommended by the National Warm Air Heating and Air Conditioning Association. All plans submitted to the Building Commissioner shall be on a sheet no smaller than 8-1/2" x 11". Plans shall be submitted for all installations in new buildings and on any replacement jobs where additional runs or new stacks are installed.  
( '69 Code, § 5-43)

§ 152.10 PERMIT FEES.

A fee of \$5 shall be paid to the City Clerk for each submission of plans.  
( '69 Code, § 5-44)

§ 152.11 INSPECTION OF SYSTEM DESIGNS.

It shall be the duty of the Building Commissioner to inspect all system designs submitted to him.  
( '69 Code, § 5-45)

§ 152.12 INSPECTION OF WORK.

The Building Commissioner shall make or shall cause to be made periodic inspections by an inspector who has experience and knowledge of mechanical warm-air heating, as a diagnostician system designer and in field application. These inspections shall be made in the field and the inspector may order alterations where discrepancies occur so that the installation is installed or constructed in conformity with the provisions of this chapter.  
( '69 Code, § 5-46)

## Section

- 153.01 Adoption by reference
- 153.02 Fees for permits

§ 153.01 ADOPTION BY REFERENCE.

The Illinois State Plumbing Code, copies of which are on file in the office of the City Clerk, is adopted and incorporated as part of this code of ordinances as if set out at length herein.

## Statutory reference:

- Adoption by reference,  
see ILCS Ch. 65, Act 5 § 1-3-2
- Adoption of plumbing code,  
see ILCS Ch. 225, Act 320 § 36

§ 153.02 FEES FOR PERMITS.

The fees for plumbing permits will be according to the following schedule:

- (A) Single-family plumbing systems: \$20.00
- (B) Half bath: \$10.00
- (C) Water heaters and appliances: \$5.00
- (D) Replacement of fixtures and appliances without changing any piping does not require a permit.  
(Ord. 83-0-5, passed 4-11-83)

## Section

General Provisions

- 154.01 Scope
- 154.02 Purposes
- 154.03 Short title
- 154.04 Legal authority and application
- 154.05 Waivers
- 154.06 Definitions
- 154.07 Submission of proposed subdivisions or land
- 154.08 Adoption of codes
- 154.09 Notice of violations; stop-work order; appeals

Procedures and Plat Requirements

- 154.15 Preapplication conference
- 154.16 Preliminary plat
- 154.17 Final plat
- 154.18 Engineering plans and specifications; subsidiary drainage plat
- 154.19 Construction of required improvements
- 154.20 Inspection of improvements
- 154.21 Approval of improvements
- 154.22 Construction bonds
- 154.23 Maintenance bonds
- 154.24 Appeals

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- 154.30 Location of streets
- 154.31 Right-of-way dedications
- 154.32 Design of streets
- 154.33 Location and design of alleys
- 154.34 Names of streets; street signs; no parking signs
- 154.35 Sanitary sewer systems and septic systems
- 154.36 Water supply
- 154.37 Drainage facilities
- 154.38 Other public utilities
- 154.39 Street lighting
- 154.40 Monuments
- 154.41 Trees
- 154.42 Flood prone areas; erosion control
- 154.43 Sidewalks required

Minimum Materials and Construction Standards

- 154.50 Standard specifications governing subdivision and street improvements
- 154.51 Streets
- 154.52 Alleys
- 154.53 Sidewalks
- 154.54 Excavation, trenches, and backfill
- 154.55 Broken or damaged field tiles; other drainage facilities
- 154.56 Monuments
- 154.57 Street lighting
- 154.58 Other public utilities
- 154.59 Blocks
- 154.60 Lots
- 154.61 Easements

SUBDIVISION REGULATIONS

§ 154.03 SHORT TITLE.

Section

The title of these regulations shall be known and may be cited as the Streets and Subdivision Regulations.  
(Ord. 81-0-19, passed 5-11-81)

Minimum Materials and Construction Standards (Cont'd)

- 154.62 Resubdivision and replatting
- 154.63 Business and industrial subdivisions
- 154.64 Sharing costs of oversize improvements
- 154.65 Streets in conformance with standards
- 154.66 Fire protection
- 154.67 Miscellaneous
- 154.68 Inspection; contractors; schedules
  
- 154.99 Penalty

GENERAL PROVISIONS

§ 154.01 SCOPE.

This chapter prescribes procedures for the preparation, review, and filing of subdivision documents and sets forth requirements, standards, and specifications for subdivision. The requirements, standards, and specifications herein provided are in addition to any other applicable legal requirements.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.02 PURPOSES.

These regulations are adopted for the following purposes:

(A) To protect and provide for the public health, safety, and general welfare.

(B) To facilitate growth and development in accordance with the city's Comprehensive Plan.

(C) To provide for adequate light, air and privacy, and to secure safety from fire, flood, and other danger.

(D) To protect and conserve the value of land and the value of buildings and improvements on the land, and to minimize the conflicts among the uses of land and buildings.

(E) To assure provision of pedestrian and vehicular access, water, sewerage, and drainage systems, and other improvements and facilities sufficient to serve the proposed subdivision and to promote the general health, safety, and welfare.

(F) To establish reasonable design and construction standards.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.04 LEGAL AUTHORITY AND APPLICATION.

(A) This chapter is adopted as part of the city's Comprehensive Plan pursuant to Division 12 of Article 11 of the Illinois Municipal Code, ILCS Ch. 65, Act 5 § 11-12-1 et seq.

(B) It is recommended that a preliminary plat be submitted for every subdivision in accordance with these regulations. A final plat shall be required for all subdivisions. If the applicant chooses to submit only a final plat, the final plat shall be submitted in accordance with the procedures for preliminary plat approval, § 154.16(A) through (E). The Plan Commission or City Council may require the applicant to submit in addition any information required in § 154.16(F), requirements for preliminary plat, which may be necessary to complete a review of the final plat.

(C) These regulations shall apply whenever a tract of land is divided into two or more lots, parcels, or tracts, unless the tract is subject to an exception hereto as provided by law.

(D) These regulations shall apply to all subdivisions and new streets constructed within the corporate limits of the city and unincorporated territory lying within 1-1/2 miles of the corporate limits of the city unless a formal agreement has been signed between the city and another municipality limiting the extraterritorial area.

(E) No building permit, release for building construction, or certificate of occupancy shall be issued for construction on any parcel or plat which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation or construction of any public or private improvements shall take place or be commenced thereon except in conformity with these regulations.

(F) Where the city, either directly in its own name or indirectly as sole beneficial owner of a land trust, is the subdivision developer, then in that case, while the city must still adhere to its own rules and regulations for minimum standards as set forth in this chapter, the minimum and maximum dates and time frames for all activities as set forth in §§ 154.16 and 154.17 are not applicable. Where the city is the developer, there shall be no minimum time period for the various sequences of reviews and approvals.  
(Ord. 81-0-19, passed 5-11-81; Am. Ord. 92-0-9, passed 6-8-92)

§ 154.05 WAIVERS.

(A) The Plan Commission may consider and recommend, and the Council may grant, waivers to the provisions of this chapter. The Plan Commission and Council shall consider the following in recommending or granting waivers:

requests for waivers for consideration pursuant to § 154.16.  
(Ord. 81-0-19, passed 5-11-81)  
§ 154.06 DEFINITIONS.

(1) Whether there are practical difficulties involved in carrying out the provisions of this chapter provided that the spirit and intent of these regulations shall be substantially observed and public welfare and safety be assured.

(2) Whether there are practical hardships in the way of carrying out the strict letter of any of these regulations.

(3) The comparative gain or loss to the public health, safety, and welfare, if any, in view of the subdivider's particular requests for a waiver, consideration can be given to the subdivision size.

(4) The imposition of conditions and requirements in addition to the provisions of this chapter including, but not limited to, the following:

(a) Landscaping.

(b) Parking.

(c) Lighting.

(d) Traffic regulation including, but not limited to, no street parking, one-side street parking, and one-way streets.

(e) That the remaining tract be submitted to the Plan Commission and Council before further subdivision or any construction or development.

(f) Submission to the Plan Commission or Council of sufficient evidence or showing that a waiver will produce the effects on the public health, safety, and welfare as represented by the subdivider.

(5) Whether the property to be subdivided will be used only for farming and related residential uses.

(6) Whether adequate right-of-way for streets and highways is available or may be provided.

(7) The proposed uses and plans for the development of the property.

(8) The desirability of an annexation or other agreement.

(9) The requirement of inclusion on a plat or deed, lease, or other document of conveyance of applicable conditions or restrictions.

(B) No waiver is available to a subdivider as a matter of right.

(C) The subdivider shall submit all

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AMERICAN NATIONAL STANDARD PRACTICE FOR ROADWAY LIGHTING." The most recent edition of "AMERICAN NATIONAL STANDARD PRACTICE FOR ROADWAY LIGHTING" prepared by the American National Standards Institute, published by the Illuminating Engineering Society, and duly adopted by reference from time to time by the City Council.

"DESIGN MANUAL." The most recent edition of the "DESIGN MANUAL" published by the State Department of Transportation and duly adopted by reference from time to time by the City Council.

"ENGINEER." A registered professional engineer employed by the subdivider, as distinguished from City Engineer.

"HIGHWAY STANDARDS." The most recent edition of "HIGHWAY STANDARDS" published by the State Department of Transportation, Bureau of Design, and duly adopted by reference from time to time by the City Council.

"MANUAL OF INSTRUCTION FOR THE STRUCTURAL DESIGN OF FLEXIBLE PAVEMENTS ON PROJECTS INVOLVING MFT, FAS, AND FAUS FUNDS." "MANUAL OF INSTRUCTION FOR THE STRUCTURAL DESIGN OF FLEXIBLE PAVEMENTS ON PROJECTS INVOLVING MFT, FAS, AND FAUS FUNDS" published by the State Department of Transportation, Bureau of Local Roads and Streets, and duly adopted by reference from time to time by the City Council. The "MANUAL OF INSTRUCTION FOR THE STRUCTURAL

DESIGN OF FLEXIBLE PAVEMENTS ON PROJECTS INVOLVING MFT, FAS, AND FAUS FUNDS" shall be abbreviated as Man. for Struct. Design of Flex. Pav. on Proj. Invol. MFT, FAS, and FAUS Funds.

"NATIONAL ELECTRICAL CODE." The "NATIONAL ELECTRICAL CODE" published by the National Fire Protection Association and duly adopted by reference from time to time by the City Council.

"NEXT REGULARLY SCHEDULED MEETING." The next regularly scheduled meeting, not including study sessions, following a specific event.

"OFFICIAL COMPREHENSIVE PLAN" or "COMPREHENSIVE PLAN." The Comprehensive Plan of the City.

"PLAN COMMISSION." The Plan Commission of the City.

"STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION." The "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" published by the State Department of Transportation and duly adopted by reference from time to time by the City Council.

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improvements under the code, as amended,  
and as it may hereafter be amended:

"STANDARD SPECIFICATIONS FOR TRAFFIC CONTROL ITEMS." The "STANDARD SPECIFICATIONS FOR TRAFFIC CONTROL ITEMS" published by the State Department of Transportation and duly adopted by reference from time to time by the City Council.

"STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS."  
"STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS" published jointly by the Illinois Society of Professional Engineers, Consulting Engineers Council of Illinois, Illinois Chapter of the American Public Works Association, Illinois Municipal League, the Associated General Contractors of Illinois and duly adopted by reference from time to time by the City Council.

"SUBDIVISION." The division of a tract of land into two or more lots, parcels, or tracts, unless an exception is required by law or these regulations.

"SUPERINTENDENT." The Superintendent of Municipal Services of the City.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.07 SUBMISSION OF PROPOSED SUBDIVISIONS OR LAND.

The city subdivision regulations shall apply to all proposed subdivisions or land as provided therein in § 154.04, as amended by this chapter, where a plat concerning such subdivisions or land has not on this date been submitted to or filed with the Superintendent. In the event a plat concerning such subdivisions or land shall on this date have been submitted to or filed with the Superintendent, the developer or other person having filed that plat shall have the option of electing, in writing, to come under the provisions of this chapter or the ordinance applicable on the date of passage of this chapter.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.08 ADOPTION OF CODES.

In accordance with ILCS Ch. 65, Act 5 §§ 1-2-4 and 1-3-2 of the Illinois Municipal Code, ILCS Ch. 50, Act 220 § 2, and the 1970 Illinois Constitution, the following codes, regulations, or public records, at least three copies of which have been filed in the office of the City Clerk for use, inspection, and examination by the public at least 30 days prior to this date, to the extent that they may be applied and are not inconsistent with this chapter are adopted by reference and incorporated by reference as criteria for construction, maintenance, alteration, or design of subdivisions or public

(A) "American National Standard Practice for Roadway Lighting," approved July 11, 1972 by the American National Standards Institute and published by the Illuminating Engineering Society.

(B) "Design Manual," State of Illinois Department of Transportation, Bureau of Design, as of date of passage of this chapter.

(C) "Highway Standards," State of Illinois Department of Transportation, Bureau of Design, as of date of passage of this chapter.

(D) "Manual of Instruction for the Structural Design of Flexible Pavements on Projects Involving MFT, FAS, and FAUS Funds," revised January 1976, State of Illinois Department of Transportation, Bureau of Local Roads and Streets.

(E) "National Electrical Code," National Fire Protection Association, 1978.

(F) Comprehensive Plan.

(G) "Standard Specifications for Road and Bridge Construction," State of Illinois Department of Transportation, adopted July 1, 1976.

(H) "Standard Specifications for SUBDIVISION REGULATIONS"

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provisions of this chapter or of this code or is being prosecuted in an unsafe or dangerous manner, such work shall be immediately stopped. Such a notice stopping work, a stop-work order, shall be in writing and shall be served on or otherwise given to the subdivider, or the subdivider's engineer, or to any person in charge of or performing work on public improvements in the subdivisions, or to an agent of any of the foregoing. Such an order shall state the conditions under which work may be resumed. No person shall continue any work after having been served with a stop-work order, except such work as is directed to be performed to remove a violation or dangerous or unsafe conditions, as provided in the order.

(C) The subdivider, subdivider's engineer, any person in charge of or performing work on public improvements in the subdivision, or any other interested person may appeal to the Plan Commission from a decision of the City Engineer issuing a notice of violation or stop-work order pursuant to this chapter. The appeal shall be in writing setting forth the reasons for the appeal and shall be filed with the City Clerk within ten days after

Traffic Control Items," State of Illinois Department of Transportation, adopted January 1, 1977.

(I) "Standard Specifications for Water and Sewer Main Construction in Illinois," Second Edition, November 1973, published jointly by the Illinois Society of Professional Engineers, Consulting Engineers Council of Illinois, Illinois Chapter of the American Public Works Association, Illinois Municipal League, the Associated General Contractors of Illinois. (Ord. 81-0-19, passed 5-11-81)

§ 154.09 NOTICE OF VIOLATIONS; STOP-WORK ORDER; APPEALS.

(A) The City Engineer shall serve a notice of violation and order on any person responsible, in whole or in part, for the construction, alteration, repair, maintenance, or removal of public improvements in violation of engineering plans and specifications approved pursuant to this chapter, or in violation of any permit issued under the provisions of this code, or otherwise in violation of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(B) On notice from the City Engineer that work on any public improvements is being prosecuted contrary to the

receipt of the notice or stop-work order. The Plan Commission shall fix a time and place for hearing the appeal, not more than 20 days following the receipt of the appeal by the Clerk. The filing of an appeal shall not operate as a stay of a notice of violation or stop-work order.

(D) The Superintendent of Municipal Services may act in the place of the City Engineer in connection with the administration and enforcement of these regulations.

(E) A fee of \$5 per lot shall be charged for each lot, subplot, or tract of land shown on the plat, provided the fee for any map, plat, or subdivision shall be not less than \$50. The subdivider shall pay all actual inspection and related review costs of the city, including legal costs related to the subdividing. Final plats and documents shall be transmitted with a cashier's check or money order in the amount prescribed above, payable to the city. (Ord. 81-0-19, passed 5-11-81) Penalty, see § 154.99

PROCEDURES AND PLAT REQUIREMENTS

§ 154.15 PREAPPLICATION CONFERENCE.

(A) Purpose. The preapplication conference is intended to assist the city in coordinating separate land developments, particularly street and drainage plans, so that orderly development is achieved, to familiarize the subdivider with applicable plans, policies,

requirements, and procedures, and to begin to identify potential waiver requests in order to expedite platting and construction.

(B) Participants. The subdivider shall request the Superintendent to schedule a preapplication conference to be attended by the Superintendent, the City Engineer (at the city's discretion), the subdivider or the subdivider's engineer or their authorized representatives and such others as may be deemed necessary by any of the above participants. The Superintendent shall schedule the preapplication conference, within 14 days of receipt of a request for such conference, unless a later date is acceptable to the subdivider. The conference shall be held prior to submission of the preliminary plat or in the event that only a final plat is to be submitted, the conference shall be held prior to submission of the final plat.

(C) Area general plan. At the preapplication conference, the subdivider or representatives of the subdivider shall submit an area general plan showing contiguous and adjacent parcels owned wholly or in part by the owner or subdivider or for which the owner or subdivider has an option to purchase or any other interest and the area adjacent to the boundaries of the tract proposed to be shown on the preliminary plat. The area general plan shall identify proposed land uses and shall show, as appropriate, the following:

(1) Existing zoning and the boundaries thereof.

(2) Topography and natural features, such as drainage channels, swales, flood prone areas, and flood hazard boundaries.

(3) Pavement and right-of-way widths of existing streets and alleys.

(4) Existing utilities and storm and sanitary sewers.

(5) Street layout sketch of the proposed subdivision with emphasis on continuity of existing street patterns.

(6) Discussion or graphic presentation of proposed methods of handling storm drainage.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.16 PRELIMINARY PLAT.

(A) Submission. The subdivider shall cause to be prepared a preliminary plat, the contents of which are set forth in

these regulations. The preliminary plat shall be prepared on a sheet or sheets the dimensions of which shall not exceed 24 inches by 36 inches and shall

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Superintendent shall schedule the preliminary plat for review by the Commission and so notify the City Engineer, subdivider, and subdivider's engineer. The subdivider shall transmit to the Superintendent 14 full-size prints of the preliminary plat, including revisions made since the original

be drawn to a scale which is not numerically greater than 100 feet to the inch. After completion of preapplication conference, the subdivider shall submit to the Superintendent 12 prints of the above described plat. The subdivider shall submit in writing simultaneously with the plat, 12 copies of all requests for waiver of these regulations, unless the waivers are shown on the face of the plat. Waiver requests shall be shown on the face of the plat or transmitted under separate cover provided that only one means of presentation is used. The Superintendent is authorized to receive the preliminary plat and waiver requests when the subdivider has satisfied the preapplication conference requirements set forth in § 154.15 and paid a subdivision fee in accordance with fee schedules established by the City Council.

(B) Distribution. On receipt of the preliminary plat and waiver requests, the Superintendent shall transmit one copy of each to the City Engineer, appropriate Drainage District, Soil and Water Conservation District, Sanitary District, and Douglas County Highway Department and State Department of Transportation (if the property being platted is adjacent to a federal or state highway), requesting that their written comments be submitted within ten working days of the date of mailing, unless otherwise required by ordinance or law. The Superintendent may notify such other agencies as deemed appropriate, the Superintendent may require the subdivider to provide such additional copies of the plat as are needed for review by these agencies. No comment in the time specified shall be deemed no adverse comment.

(C) Review and comments. The Superintendent shall review the preliminary plat and waiver requests for conformity to the Comprehensive Plan or parts thereof, applicable zoning regulations, and the provisions of these regulations and shall make recommendations thereon. The City Engineer shall review the plat and waiver requests for conformity to these regulations, flood control regulations, other applicable regulations, and generally accepted engineering practices, particularly as these apply to storm drainage and sewer and water facilities and shall make recommendations thereon. The City Engineer shall forward a report of the review to the Superintendent.

(D) Plan Commission. The

their percentage interests shall be disclosed in accordance with state statute.

submittal, or five full-size prints and nine reduced prints, or five full-sized prints and one 8-1/2 by 11 inch reduction of same, provided all notes and dimensions are readable. The Superintendent shall forward to the Plan Commission a copy of the plat and waiver requests and recommendations of the City Engineer, commenting agencies, and other interested parties.

(E) The Plan Commission may request additional information from the subdivider if necessary to evaluate waiver requests. The Plan Commission shall recommend approval or disapproval of the preliminary plat and all waiver requests within 90 days from the date of submission of the plat in accordance with § 154.16(A) above or the filing by the subdivider of the last waiver request, whichever date is later, unless such time is extended by mutual consent. If the Commission recommends disapproval of the plat, the Secretary to the Plan Commission shall furnish to the subdivider in writing a statement setting forth the reasons for disapproval and specifying with particularity the aspects of the proposed plat which fail to conform to these regulations. Following the formal recommendation of the Commission the Superintendent shall forward the plat and related files and recommendations for inclusion on the City Council agenda.

(F) City Council. The City Council shall approve or disapprove the plat including requests for waiver within 30 days after the City Council's next regularly scheduled meeting following the action of the Plan Commission. In all cases, the Council shall state the reasons for disapproval of the plat or waiver request. The Superintendent shall furnish to the subdivider in writing a statement setting forth the reasons for disapproval and specifying with particularity to the aspects of the proposed plat which fail to conform to applicable ordinances. Such written statement shall be furnished to the subdivider within 14 days, excluding holidays, of the date of Council action. Preliminary plat approval shall not qualify the plat for recording.

(G) Requirements for preliminary plats. Information supplied on preliminary plats shall include, but not be limited to, the following:

(1) General provisions.

(a) The proposed name of subdivision and owner's, subdivider's, and subdivider's engineer's names and addresses. In the event that the owner is a land trust, the beneficial owners and

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(b) Scale, north arrow, and date of preparation.

(c) Subdivision boundaries clearly indicated.

(d) A small vicinity map depicting location of the subdivision with respect to the general area and public ways.

(e) Gross acreage of subdivision.

(f) Certificates to appear on plat:

Tuscola Plan  
Commission

Recommended to the City Council of Tuscola for preliminary approval, subject to such conditions and recommendations, if any, as hereto attached.

Date \_\_\_\_\_ Secretary

Tuscola City  
Council

Preliminary approval is hereby granted by the City Council of Tuscola subject to such condition(s), if any, as may be set forth in \_\_\_\_\_ No. \_\_\_\_\_.

Date \_\_\_\_\_ Mayor

Attest: \_\_\_\_\_ City Clerk

(g) Each plat submitted to the City Council for approval shall carry a certificate by a state registered land surveyor in substantially the following form:

"I, (name), hereby certify that I am an Illinois Registered Land Surveyor in compliance with the laws of the State of Illinois and that this plat correctly represents a survey completed by me on (date); that all monuments shown thereon actually exist, and are accurately shown."

(2) Existing conditions.

(a) The names, location, right-of-way, and pavement widths of all existing public or private streets adjacent to the subdivision.

(b) The location and size of all existing sanitary sewers, water mains, storm drainage facilities, or other underground facilities and all related rights-of-way or easements within the tract.

(c) The topography by contour intervals of not more than two feet related to mean sea level.

(d) The drainage district within which the proposed subdivision

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lies or the district to which the subdivision is contiguous, or if the subdivision is not located in a drainage district, so state.

(e) The location and identification of buildings, railroads, overhead transmission lines, pipe lines, excavations, bridges, culverts, and related items within the tract, and related rights-of-way or easements.

(f) The location of existing streams, rivers, known drains, lakes, ponds, and impoundments within 500 feet of the tract and the related rights-of-way or easements.

(3) Proposed development.

(a) The names, locations, rights-of-way, and pavement widths of proposed streets and alleys.

(b) The location and width of crosswalk rights-of-way.

(c) All lots, including scale dimensions.

(d) The location of proposed water courses or impoundments, including stream relocations, showing normal water levels and direction of flow.

(e) Proposed sewage disposal and storm water systems including location of drains, water supply (public or well), and related rights-of-way and easements.

(H) Limitations on preliminary plat approval. Application for final approval of a plat shall be made not later than one year after preliminary approval has been granted. The applicant may elect to have final approval of a geographic part or parts of the plat that received preliminary approval, and may delay application for approval of other parts until a later date

or dates beyond one year with the approval of the City Council, provided all facilities required to serve the part or parts for which final approval is sought have been provided.

(Ord. 81-0-19, passed 5-11-81)

§ 154.17 FINAL PLAT.

(A) Submission of final plat and supporting materials. The subdivider shall cause to be prepared a final plat and supporting documents as required by this chapter. The final plat shall be prepared on a cloth or mylar sheet the dimension of which shall not exceed 24 inches by 36 inches and shall be drawn to a scale which is not numerically greater than 100 feet to the inch. The subdivider shall submit the following to the Superintendent:

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(1) The original of the final plat, including the original and one copy of all supporting materials prepared and submitted in accordance with § 154.18(F).

(2) Five full-size copies of the original plat and 11 additional copies, or five full-size copies of the original plat and one reduction to 8-1/2 by 11 inches provided all notes and dimensions are readable. If any part of the property so subdivided is situated outside the corporate limits, two additional full-size copies of the plat shall be provided. If any part of the property so subdivided is within 500 feet of a surface drain or watercourse serving 640 acres or more, two additional full-size copies shall be filed. If additional waivers are requested, nine additional copies of the plat shall be filed for submission to the Plan Commission.

(3) All new waiver requests in writing and presented in the manner required for preliminary plats.

(4) A subdivision fee in accordance with schedules established by the City Council.

(B) Timing.

(1) If no new waivers are requested, the Superintendent shall transmit the plat and related items for inclusion on the City Council agenda. Such transmittal shall be made within 14 days, excluding holidays, of the date of filing of the final plat or the last item of supporting material whichever date is later. The City Council shall accept or reject the final plat within 30 days after

the City Council's next regularly scheduled meeting following the date of transmittal for the agenda.

(2) All new waiver requests shall be forwarded to the Plan Commission for consideration in accordance with the terms and procedures set forth in § 154.16(C) and (D). Within 15 working days, excluding holidays, of receipt of the final plat or the last item of supporting materials or the Commission's recommendation on waiver requests, whichever date is later, the Superintendent shall transmit the final plat and supporting material for inclusion on the City Council agenda. The City Council shall accept or reject the final plat within 30 days after the City Council's next regularly scheduled meeting following the date of transmittal for the agenda.

(3) In all cases, the Council shall state the reasons for disapproval of a plat or waiver request. If a plat or waiver request is disapproved, the Superintendent shall furnish to the subdivider in writing a statement setting forth the reason for disapproval and specifying with particularity the aspects

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of the proposed plat which fail to conform to applicable ordinances including the official map. Such written statement shall be furnished to the subdivider within 14 days, excluding holidays, or of the date of Council action.

(C) Distribution. The Superintendent shall retain the original plat and supporting documents and certificates for recording and one signed copy of the final plat and shall transmit one signed copy of the final plat to the subdivider, and two to the City Engineer. If the property so subdivided is situated outside the corporate limits, the Superintendent shall also transmit one signed copy to the County Highway Superintendent. If the property so subdivided is situated within 500 feet of a surface drain or watercourse serving a tributary area of 640 acres or more, the Superintendent shall forward two signed copies of the final plat to the subdivider's engineer, prior to recording.

(D) Limitations on final plat approval. Approval of the final plat shall have full force and effect for 180 days following approval by the City Council. If the final plat has not been recorded within the time stipulated above, plat approval shall be null and void unless during the

180 day period, the Council approves a written application for extension of time.

(E) Recording. The City Clerk shall record the final plat and required supporting documents on receipt of the correct recording fee and a certificate substantially in the following form:

STATE OF ILLINOIS )  
COUNTY OF DOUGLAS )

CERTIFICATE OF COUNTY CLERK

I, THE UNDERSIGNED, COUNTY CLERK OF DOUGLAS COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I FIND NO DELINQUENT GENERAL TAXES, UNPAID CURRENT GENERAL TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AS FOLLOWS:

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, COUNTY CLERK  
DOUGLAS COUNTY, ILLINOIS

The County Clerk's certificate must be correct on the date of recording. Required fees and certificates shall be filed with the City Clerk at least three working days prior to the desired recording date. The Superintendent shall retain the original final plat and required documents until the date of recording.

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(F) Requirements for final plats; supporting materials.

(1) The final plat shall show reasonable conformity to the approved preliminary plat.

(2) The final plat shall be prepared in accordance with these regulations and unless otherwise provided, shall show on its face the following information:

- (a) Subdivision name.
- (b) A north arrow, graphic scale, and date of preparation.

(c) The location and position of the subdivision indicated in each of the following ways:

- 1. By quarter section, section, township, range, county, and state;

2. By distances and bearings from the astronomic or assumed north with reference to a corner or corners established in the United States Public Land Survey System; and

3. By a written legal description of the exterior boundaries of the subdivision.

(d) The description and location of all survey monuments.

(e) Survey data sufficient to reproduce any line or reestablish any monument in the subdivision.

(f) All highways, streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way.

(g) The length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way, and information sufficient to derive the length of these lines by simple calculation. Where a boundary line is the arc of a circle, the radius and the length of the arc shall be shown. All dimensions shall be shown to hundredths of a foot, except in the case of riparian boundaries which may be shown with less precision.

(h) The width of all rights-of-way and easements.

(I) All lots, consecutively numbered.

(j) The following notation: A part of the property covered by this plat is (is not) situated within 500 feet of a surface drain or watercourse serving a tributary area of 640 acres or more.

(k) The following notation: The property subdivided is (is not) within the corporate limits of the

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city or within 1-1/2 miles of the corporate limits of the city.

(l) Names and signatures of owner, subdivider, and land surveyor.

(m) Conditions or restrictions imposed by the Council in approving waiver requests or carrying out the intent of these regulations, if directed that they be shown on the final plat or in supporting documents.

(n) An owner's certificate

stating that the owner of the land described in the attached plat is the sole owner of the land and has caused same to be surveyed. The owner's certificate shall contain dedications to the public and shall be dated and signed by the owner or duly authorized attorney and notarized. The owner's certificate may be shown on the face of the plat or attached thereto.

(o) The surveyors' certificate prepared in accordance with S.H.A. Ch. 109, as amended and as may hereafter be amended, including the surveyor's seal and statement that all monuments are set as shown. The surveyor's certificate shall be on the face of the plat or attached thereto.

(p) The following City Council signature block:

APPROVED:

The City Council of the City of Tuscola, Illinois in accordance with No. \_\_\_\_\_.

Date \_\_\_\_\_ By \_\_\_\_\_ Mayor

ATTEST

City Clerk

(3) The City Engineer's written approval of engineering plans and specifications, hydrologic design data, if required by § 154.18(E), and the subsidiary drainage plat in accordance with § 154.18.

(4) The City Engineer's written statement that required improvements have been constructed and inspected and that the improvements have been approved by the City Engineer in accordance with §§ 154.20, 154.21, and 154.22 below and a maintenance bond is on file in accordance with § 154.23, or a construction bond is on file in accordance with § 154.22. No final plat shall be approved until required improvements have been constructed and inspected and the improvements have been approved by the City Engineer and a maintenance bond has been filed thereon or a construction bond has been filed guaranteeing construction of the required improvements.  
(Ord. 81-0-19, passed 5-11-81)

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§ 154.18 ENGINEERING PLANS AND SPECIFICATIONS; SUBSIDIARY DRAINAGE PLAT.

(A) The subdivider shall cause

engineering plans and specifications to be prepared for all improvements required or regulated by this chapter. Those improvements shall be designed to conform to the minimum standards set forth in this chapter and shall also conform to the minimum standards and requirements of other local, state, and federal authorities which have jurisdiction over the subdivision. Engineering plans and specifications shall be prepared under the supervision of an engineer licensed pursuant to the laws of the state and shall bear the engineer's seal and signature.

(B) Plan dimensions shall be 24 inches by 36 inches or 24 inches by 36 inches reduced 1/2. Variations in dimensions may be approved by the City Engineer, if requested prior to submission of plans.

(C) The subdivider shall submit engineering plans and specifications to the City Engineer for review and written approval, prior to the commencement of construction of any improvements required or regulated by these regulations. The subdivider shall submit with the engineering plans and specifications an "Application for Approval of Engineering Plans and Specifications", copies of which may be obtained from the City Engineer. The application shall include, but not be limited to:

(1) Written requests for waiver of minimum materials and construction standards, describing the degree of deviation, the necessity or advantage of it, and the alternate plan.

(2) The signed statement of the subdivider that the individual authorizes the subdivider's engineer to provide sufficient inspection to certify that the improvements required or regulated by these regulations are constructed and inspected in accordance with these regulations and other applicable ordinances of the city and a written understanding by the subdivider's engineer that the engineer shall provide such inspection service.

(D) The City Engineer shall review engineering plans and specifications for conformance to these regulations.

(E) When a subdivision or part thereof is located in a flood prone area as designated by the Federal Insurance Administration, the subdivider shall provide at his own expense such hydrologic design data and calculations and utility and drainage plans as may be required by the City Engineer to assure

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that the subdivision is consistent with the need to minimize or eliminate flood damage.

(F) The subdivider's engineer shall prepare a drainage study and certificate, hereafter called subsidiary drainage plat in accordance with S.H.A. Ch. 109, as amended and as may hereafter be amended, and shall submit the subsidiary drainage plat to the City Engineer for approval.

(G) The City Engineer shall in writing notify the subdivider and the Planning Director of approval or disapproval of the engineering plans and specifications and the subsidiary drainage plat. Such notification, specifying reasons for disapproval shall be made within ten working days, excluding holidays, of the date of submission of plans, specifications, and plats required by this section. Construction of improvements required or regulated by these regulations shall not commence until the City Engineer has approved in writing engineering plans and specifications for those improvements, hydrologic design data as may be required by division (E) above, and the subsidiary drainage plat.

(H) If in the course of construction the subdivider wishes to modify the size, type, quality, quantity, or location of any or all of the improvements required or regulated by these regulations, the subdivider's engineer shall submit a written change request to the City Engineer for review and written approval prior to proceeding with installation of the modified improvement.

(I) Approval of the engineering plans and specifications and the subsidiary drainage plat is a prerequisite to submission of the final plat. (Ord. 81-0-19, passed 5-11-81)

§ 154.19 CONSTRUCTION OF REQUIRED IMPROVEMENTS.

(A) Improvements required or regulated by this chapter shall be constructed in accordance with approved engineering plans and specifications, the standards, requirements and regulations set forth in this chapter, and other applicable ordinances of the city.

(B) If in the course of construction the subdivider wishes to modify the size, type, quality, quantity, or location of any or all of the improvements required or regulated by these regulations, the subdivider's engineer shall submit a written change request to the City Engineer for review and written approval prior to proceeding with installation of the

modified improvement.

(C) The subdivider or subdivider's engineer shall notify the City Engineer

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of the commencement, suspension, or resumption of work at least one day prior to the commencement, suspension, or resumption of such work. This requirement shall not apply to work suspended due to adverse weather conditions. In the event that the subdivider or subdivider's engineer fail to comply with this requirement, the City Engineer is authorized to take whatever steps may be necessary to insure that work performed complies with approved engineering plans and specifications, the standards set forth in these regulations, and other applicable ordinances of the city.

(D) Construction of improvements required or regulated by these regulations shall not commence until the City Engineer has approved in writing engineering plans and specifications for any improvements, hydrologic design studies, if required by § 154.18(E), and the subsidiary drainage plat in accordance with § 154.18.

(E) Actual improvements shall be inspected and approved by the City Engineer and a maintenance bond filed thereon prior to approval of the final plat unless a construction bond has been filed in accordance with § 154.22. (Ord. 81-0-19, passed 5-11-81)

§ 154.20 INSPECTION OF IMPROVEMENTS.

(A) Actual construction of all improvements required or regulated by this chapter shall be inspected by a competent inspector, approved by the City Engineer, and employed by and under the direction of the subdivider's engineer and shall be performed in accordance with § 154.19 above. The inspection shall be adequate to assure that all work complies with the approved engineering plans and specifications and these regulations.

(B) Tests required by this chapter shall be performed solely by independent testing laboratories, the subdivider's engineer or qualified personnel employed by the subdivider's engineer, and shall be performed at the subdivider's expense. The subdivider shall direct that the results of required tests be mailed or delivered to the City Engineer immediately on completion and that no test results be withheld from the City Engineer. (Ord. 81-0-19, passed 5-11-81)

§ 154.21 APPROVAL OF IMPROVEMENTS.

(A) On completion of construction of improvements required or regulated by this chapter, the subdivider's engineer shall deliver to the City Engineer:

(1) All required test data not previously forwarded to the City Engineer in accordance with § 154.20 above.

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(2) Two complete sets of "As Built" plans, each set of which is clearly marked "As Built" in the lower right corner. "As Built" plans shall depict actual construction on the date of submittal of the plans.

(3) The following signed and sealed engineer's certificate:

ENGINEER'S CERTIFICATE

STATE OF ILLINOIS ) ss  
COUNTY OF DOUGLAS )

I, \_\_\_\_\_, being a registered Professional Engineer in the State of Illinois, registration number \_\_\_\_\_, do hereby certify that \_\_\_\_\_ (the project) was constructed in accordance with the Engineering Plans and Specifications and change orders approved by the City Engineer, City of Tuscola, Douglas County, Illinois.

I further certify that all construction operations were inspected by me or someone under my supervisions.

Signed and Sealed this \_\_\_\_ Day of \_\_\_\_\_, 19\_\_.

Signature

(Seal)

except that with the approval of the City Engineer, the certificate may certify to the completion of a portion of the improvements with specifically stated exceptions for which a bond shall be filed or retained in accordance with § 154.22.

(B) Within four weeks of receipt of all materials required in division (A)(3) above, the City Engineer shall conduct a final inspection of the improvements required or regulated by this chapter and

shall approve in writing all improvements which conform to the approved engineering plans and specifications and this chapter and shall give written notification of the approval to the subdivider, the Superintendent, and the City Clerk. In the event that a construction bond was filed in accordance with § 154.22, the City Engineer shall notify the City Clerk of the percent of improvements approved or the amount of the bond which may be released in accordance with § 154.22, and the amount of the maintenance bond which should be filed.

(C) The City Engineer is authorized to reject any construction which fails to conform to the approved plans and specifications and this chapter.

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(D) The City Clerk shall bill the subdivider the city's cost for any subsequent inspections necessitated by the subdivider's failure to construct improvements in accordance with approved engineering plans and specifications and this chapter. The costs shall be based on a schedule of fees established by the City Council.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.22 CONSTRUCTION BONDS.

(A) A construction bond is required guaranteeing construction of required improvements which at the time of final plat submission have not been approved by the City Engineer or for which a maintenance bond has not been filed.

(B) The condition of the construction bond shall be that the principal shall within two years complete or cause to be completed in accordance with the approved plans and specifications and in accordance with applicable ordinances, resolutions, and codes of the city, the improvements required in the subdivision.

(C) The construction bond shall be for the sum of 125% of the estimated cost of construction as determined by the subdivider's engineer and approved by the City Engineer.

(D) Construction bonds for required improvements which are a part of the subdivision shall be secured to the city by one of the following methods or a combination of the following methods:

- (1) Cash.
- (2) Corporate surety licensed and

authorized to do business in the state as a surety.

(3) Certificates of deposit payable to the city.

(4) United States government savings bonds payable to the city.

(5) Deed in trust or escrow conveying real estate to the city. Such real estate shall be appraised at the owner's or subdivider's expense by an independent appraiser selected by the city. The City Attorney shall approve the form of any surety involving a deed in trust or escrow.

(6) Irrevocable letter of credit in a form approved by the City Attorney.

(E) The City Council shall release construction bonds and the surety thereon with interest, if any, on satisfaction of the conditions of the bond and on receipt of a maintenance bond in accordance with § 154.23.

(Ord. 81-0-19, passed 5-11-81)

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§ 154.23 MAINTENANCE BONDS.

(A) On approval of required improvements, a maintenance bond shall be filed with the City Clerk on approved city bond forms guaranteeing repair of defects in construction of the improvements for a period of one year.

(B) The maintenance bond shall be for the sum of 15% of the estimated cost of construction as determined by the subdivider's engineer and approved by the City Engineer.

(C) Maintenance bonds shall be secured to the city in the same manner as construction bonds, see § 154.22(D).

(D) The City Council shall release maintenance bonds and the surety thereon with interest, if any, on satisfaction of the conditions of the bond.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.24 APPEALS.

Except as provided in § 154.09, if the owner, subdivider, subdivider's engineer, or any other interested persons, wish to appeal a decision of the City Engineer or the Superintendent, the appeal shall be in writing to the Plan Commission setting forth the reasons for the appeal and shall be filed with the City Clerk within 14 days, excluding holidays, of the date of the action on which the appeal is taken.



intersecting street to the center of the turnaround unless approved by the City Engineer and the Fire Chief.

(C) In the case of cul-de-sacs serving commercial and industrial subdivisions, the subdivider may be required to present data to show that the length, radius, pavement, and right-of-way of the cul-de-sac street and turnaround are adequate to assure safe access given the type and volume of traffic which may be anticipated when the subdivision is fully developed.

(D) Horizontal curves shall be gradual, having a radius of at least 250 feet at the centerline except where a lesser radius is, in the opinion of the City Engineer and Fire Chief, deemed safe and adequate for anticipated conditions.

(E) Streets shall be designed to intersect as close to a 90 degree angle as possible, and no two streets shall intersect at an angle of less than 80 degrees.  
(Ord. 81-0-19, passed 5-11-81)

#### § 154.33 LOCATION AND DESIGN OF ALLEYS.

(A) Alleys may be required to serve business, commercial, and industrial uses if necessary for safe pedestrian and vehicular circulation.

(B) Alleys may be permitted to serve lots intended for residential uses.

(C) All alleys shall be extended to public streets or provided with turnarounds to be approved by the City Engineer.

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(D) No private alleys will be permitted.

(E) Minimum design standards for alleys are set forth in these regulations.

(F) Alleys shall be constructed in accordance with the minimum construction standards for streets set forth in §§ 154.50 through 154.68 of these regulations. (Ord. 81-0-19, passed 5-11-81) Penalty, see § 154.99

#### § 154.34 NAMES OF STREETS; STREET SIGNS; NO PARKING SIGNS.

(A) Streets which align with or continue existing streets shall bear the name of the existing street. New street names shall not duplicate or closely resemble the names of streets already existing in the city, or 1-1/2 miles therefrom.

(B) Street name signs shall be purchased and erected by the subdivider in accordance with specifications established by the City Engineer.

(C) When parking is permitted on only one side of the street in order to permit reduced street pavement widths, the subdivider shall provide "No Parking" signs in accordance with specifications established by the City Engineer.

(D) The subdivider shall provide traffic regulation signs in accordance with specifications established by the City Engineer whenever such signs are necessitated by waivers of these regulations.  
(Ord. 81-0-19, passed 5-11-81)

#### § 154.35 SANITARY SEWER SYSTEMS AND SEPTIC SYSTEMS.

(A) No plat of any subdivision shall be approved unless the subdivider provides for and guarantees construction of a sanitary sewer system or septic system adequate to serve the needs of the entire subdivision when the same is fully developed. The location and design of such sanitary sewer system or septic system shall be approved by the City Engineer, the Environmental Protection Agency of the state, and the County of Douglas.

(B) When a sanitary sewer is designed and constructed to discharge directly into sanitary sewers owned and maintained by the city, the property served by the sanitary sewer shall be annexed to the city prior to the issuance of any service connection permit.

(C) Sanitary sewers and septic systems shall be constructed in accordance with the standards set forth in these regulations prior to the issuance of any service connection permit. If a subdivision can reasonably be served by the extension of an existing public sanitary sewer, the developer shall provide a system of sanitary sewer mains and manholes, and shall provide lateral connections for each lot or potential building site in accordance with the code, where a public sanitary sewer is not reasonably accessible. The City Council, after obtaining reports from Public Health Authorities or the State Environmental Protection Agency or other governmental authority having jurisdiction may refuse to permit the area to be developed for any purpose deemed detrimental to the health and general welfare of the surrounding community.

(D) Community sewage disposal systems shall meet the requirements of the Public Health Authorities and the State Environmental Protection Agency. Community sewage disposal systems may be accepted for maintenance and operation by the City Council if ownership is vested in the city, and if the disposal system has been constructed according to appropriate specifications and provided it has been approved by the City Council. The acceptance of any facilities is subject to annexation agreements with the city.

(E) The provisions of this and other related sections are not intended to place any obligation, liability, or responsibility on the City Council or other city officials for accepting the maintenance or operation of such systems. In such cases where the City Council decides to accept such responsibilities, they may specify the conditions of such acceptance.

(F) In any subdivision not directly adjacent to existing public sewage facilities, individual sewage disposal systems may be installed, provided:

(1) All requirements of the county regulations with regard to soil percolation tests, size of disposal system, and requirements of the State Environmental Protection Agency are met.

(2) Private restrictions are filed with the final plat and incorporated in each deed requiring that as soon as public sewers are available, connections to the public sewers shall be made within one year at the property owner's expense, and that owners shall bear their fair proportionate cost of the public sewer as determined by

agreement, special assessment proceedings, or other means authorized to finance construction of the sewer system.

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(3) No plat of any new subdivision shall be approved by the City Council unless the same provides for and assures the construction by the subdivider of a sanitary sewer system adequate to serve the needs of the entire subdivision when the same is fully developed and the location and design of that system has been approved by the Superintendent, the State Environmental Protection Agency, and the corporate authorities of any sanitary district in which such subdivision or any part thereof may be located. This requirement shall not be applicable to any new subdivision which is not within the boundaries of a sanitary district or cannot be provided with sanitary sewer service by a sanitary district or a public utility.

(4) All work and materials shall be in accordance with the latest edition of the state plumbing code in the section entitled "Individual Sewage Disposal System," as published by the State Department of Public Health.

(G) All sanitary sewer work shall be done in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois, the State Environmental Protection Agency, and any other governmental authority having jurisdiction thereof.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.36 WATER SUPPLY.

(A) Where public water supply is within reasonable distance, as determined by the City Council, the subdivider shall construct a system of water mains and fire hydrants and connect with such public water supply and provide a connection for each lot or potential building site. Where a public water supply is not available, the subdivider shall provide for an adequate water supply with usage meter. Water quality must meet the state and Douglas County specifications. At least one test well shall be made in the area being platted for each 100 lots or for every 25 acres of area, whichever is smaller. In cases where copies of the logs of existing wells located within the area being platted are available, this may be substituted in lieu of making test wells. Test wells shall be at least 25 feet in depth and shall produce safe potable drinking water at a rate of not less than five gallons per minute. A copy of the well log which will include the name and address of the well driller, shall be submitted with the preliminary documents.

(B) Individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks;

approximately 150 feet from all tile disposal fields and other sewage disposal

inlets and underground drainage facilities having a design capacity adequate to carry off surface water falling or coming on the streets in a five year storm under the projected final state of development of the entire upstream watershed.

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facilities; 30 feet from all cast iron sewer lines; 50 feet from any vitrified sewer tile lines; and shall not be located within any flood plain.

(B) Alternate drainage systems may be approved by the City Engineer if a detailed engineering study performed under the direction of a registered professional engineer demonstrates that the alternate drainage system provides a level of service at least equal to that provided by the above requirements without increasing maintenance and operating costs to the city.

(C) As a precaution against seepage, a watertight seal shall be provided around the pump mounting. All abandoned wells shall be sealed in a manner that will render them watertight. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water system will be required.

(C) Temporary drainage courses and structures that are not in the public right-of-way shall be maintained by the subdivider so as to safeguard the public welfare until such time as they are replaced with permanent facilities.

(D) Public wells and other public water distribution systems shall meet the requirements of the State Department of Public Health. Public wells and other public distribution systems may be accepted for operation and maintenance by the City Council, if ownership is vested in the city, and if the water distribution system has been constructed according to proper specifications.  
(Ord. 81-0-19, passed 5-11-81)

(D) Storm drainage, including tile around basements, shall not be permitted to empty into any sanitary sewer. Where a public storm sewer is reasonably accessible, the subdivider shall connect with such storm drainage system and shall do such grading and provide such drainage structures including lateral connections as may be required. Where a public storm water drainage system of the district in which the subdivision is located has been prepared and officially approved, the subdivider shall install drainage facilities as may be required in conformity with such official plats and the flood plan provisions of the zoning code.

§ 154.37 DRAINAGE FACILITIES.

(A) All street shall be provided with

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(E) If the subdivision is in an area where a public storm water system is not available, the subdivider shall do such grading and provide such drainage structures as may be required. Whenever the construction of streets and a necessary storm water system in a subdivision is such that the direction of storm water flow is diverted and affects surrounding properties, the subdivider shall obtain drainage easements to provide adequate disposal of the storm water. (Ord. 81-0-19, passed 5-11-81)

§ 154.38 OTHER PUBLIC UTILITIES.

Public utility lines for water, telephone, cable TV, electric service, and street lights shall be located in dedicated rights-of-way or easements and placed entirely underground except as required to minimize or eliminate flood damage to those utilities. Such utilities shall not interfere with other underground services. (Ord. 81-0-19, passed 5-11-81) Penalty, see § 154.99

§ 154.39 STREET LIGHTING.

Street lighting is not required but when constructed, the lighting shall be installed in accordance with the minimum standards set forth in § 154.59. Street lighting is distinguished from private yard lights. (Ord. 81-0-19, passed 5-11-81)

§ 154.40 MONUMENTS.

Monumentation shall conform to the regulations set forth in § 154.58. (Ord. 81-0-19, passed 5-11-81)

§ 154.41 TREES.

Tree planting is not required by these regulations, however, it is recommended that the subdivider carry out a tree planting program in accordance with standards recommended in § 154.61. (Ord. 81-0-19, passed 5-11-81)

§ 154.42 FLOOD PRONE AREAS; EROSION CONTROL.

(A) The City Engineer shall review all subdivision plats and plans to assure that proposals are consistent with the need to minimize or eliminate flood damage. Proposed locations of utilities such as sewer, gas, electric, and water shall be located so as to minimize or eliminate flood damage to utilities on a utilities plan.

(B) The subdivider shall take such

steps as are necessary to minimize soil erosion during and after construction. (Ord. 81-0-19, passed 5-11-81)

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§ 154.43 SIDEWALKS REQUIRED.

No plat of any subdivision shall be approved unless the subdivider provides for and guarantees construction of sidewalks along both sides of each and every public street, to and from all open spaces or common areas, and connecting with existing sidewalks adjacent to the subdivision. The construction of sidewalks shall be conducted in accordance with the minimum standards set forth in § 154.53. (Ord. 2004-0-16, passed 8-23-04)

MINIMUM MATERIALS AND CONSTRUCTION STANDARDS

§ 154.50 STANDARD SPECIFICATIONS GOVERNING SUBDIVISION AND STREET IMPROVEMENTS.

The "Standard Specifications for Road and Bridge Construction," the "Standard Specifications for Water and Sewer Main Construction in Illinois," and the "Standard Specifications for Traffic Control Items" shall govern subdivision and street improvements unless otherwise provided in this chapter. Where conflicts among these standards are not resolved in these regulations, the "Standard Specifications for Road and Bridge Construction" shall take precedence. (Ord. 81-0-19, passed 5-11-81)

§ 154.51 STREETS.

(A) Streets shall be constructed in accordance with the city's ordinances, as amended, the Comprehensive Plan, and the "Standard Specifications for Road and Bridge Construction" and the design standards of Tables 1 through 5 in these regulations.

(B) Portland cement concrete pavement shall conform to the "Standard Specifications for Road and Bridge Construction."

(C) The arrangement, character, extent, width, grade construction, and location of all streets shall conform to the city official map as adopted, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical

conditions, and public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the official map as adopted.

(D) Insofar as is practicable, the street arrangement should provide proper access to schools, playgrounds, transportation and other community features. New street openings shall be generally prohibited

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within 600 feet of any major intersection or crossing such as that formed by a railroad and a highway, two or more highways, or from the head of any major bridge, grade separation structure, or like facilities, as measured along the centerline from the intersection or from such structure.

(E) The following are the minimum design standards for the various types of streets:

(1) Arterial, 120 foot right-of-way; 24 foot pavement with ten foot shoulders.

(2) Collector. See Table 3.

(3) Cul-de-sac. See Table 1.

(4) Dead-end streets or stub streets are prohibited. However, where it is necessary to provide circulation to

underdeveloped property adjacent to the boundaries of the proposed subdivision, a temporary cul-de-sac with a turnaround radius of not less than 75 feet shall be provided within the subdivision and adjacent to its limits for what would otherwise be a stub end street. More than a 500 foot length is discouraged.

(5) Local street. See Table 2.

(6) Loop street. See Table 1.

(7) Alley, 20 foot right-of-way in residential subdivisions.

(F) Intersection design standards.

(1) The design and improvement standards for intersections are suggested minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in Table 4.

(2) Multiple intersections involving junctions of more than two streets shall be avoided.

(3) Four-way intersections of local streets should be avoided and three-way or T-intersections should be encouraged wherever possible.

(G) Special street types.

(1) Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

(2) Where a subdivision adjoins an arterial street, a marginal access street shall be designed, if the subdivision design is such that residential lots would require direct vehicular access to the arterial highway.

Points of access to the arterial street shall be spaced at a minimum of 1,320 feet. A planting strip having a minimum width of 20 feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be 60 feet.



(3) In sloping terrain, streets shall be generally run parallel to the contour of the land or preferably cross at a slight angle therewith.

(4) Street jogs shall be avoided whenever possible. However, where permitted, the minimum centerline offset distance between roads entering a common right-of-way from opposite sides shall be 150 feet.

(H) All streets shall be designed to meet horizontal and vertical alignment criteria as established by the Design Manual Bureau of Design, State Department of Transportation (current publication) for the particular class of street being constructed.

(I) The intersection of subdivision streets with any existing arterial or highway shall be designed as specified by the agency having maintenance authority.

(J) Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than 100 feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than 200 feet from each other. The Plan Commission may require marginal access streets to provide maximum safety and convenience.

(K) Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersection of service streets from parking areas with arterial or collector streets shall not be less than 100 feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Plan Commission finds such extension is not in accord with the approved plan of the area.

(Ord. 81-0-19, passed 5-11-81) Penalty, see § 154.99

§ 154.52 ALLEYS.

(A) The minimum right-of-way width of all alleys shall be paved.

(B) Alleys shall be constructed in accordance with the minimum standards for street construction as set forth in this

TABLE 3

<u>Design Standards</u>	<u>Collector Street</u>
Right-of-way (feet)	80 feet
Pavement width (feet) foot	22 feet (with seven shoulders)
Minimum stopping sight distance (feet)	250 feet
Minimum spacing when inter- secting with an arterial (feet)	1,320 feet

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chapter, with the exception that inverted crowns are required.

(C) Alleys shall not be required. In the event there are no alleys, an easement of not less than a total width of ten feet shall be provided for utilities and like services.

TABLE 1

<u>Standards For Cul-de-sac Streets</u>	<u>Street Design and Loop Type</u>
Right-of-way (feet)	60 feet
Pavement width (feet)	27 feet
Minimum stopping sight distance (feet)	200 feet
Maximum cul-de-sac length	500 feet
Minimum cul-de-sac radius (right-of-way) turnaround	60 feet
Minimum cul-de-sac radius (pavement) turnaround	50 feet

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TABLE 4

<u>Standards</u>	<u>Intersecting Design</u>
Maximum approach speed (miles per hour)	25
Clear sight distance (feet)	90 feet
Minimum curb radius	
(1) Local - local	20 feet
(2) Local - collector	25 feet
(3) Collector - collector	30 feet
(4) Collector, marginal access - arterial	35 feet
Minimum centerline, offset of adjacent intersections (feet)	
(1) Local - local	150 feet
(2) Local - collector	200 feet
(3) Collector - collector	300 feet
(4) Collector, marginal access - arterial	1,320 feet

TABLE 2

<u>Standards for All Except Cul-de-sacs Streets</u>	<u>Street Design Local Streets and Loop Type</u>
Right-of-way (feet)	60 feet
Pavement width (feet)	22 feet (without curb and gutters; provided suitable storm drainage facili-
Minimum stopping sight distance (feet)	200 feet
Minimum center line radius of streets with an angle of turn of:	
(1) Between 80 and 100	50 feet
(2) Less than 80 or more than 100	200 feet

TABLE 5

<u>Standards</u>	<u>Intersection Design</u>
Maximum approach speed residential ties are installed) (miles per hour)	25
Maximum approach speed nonresidential (miles per hour)	30
Clear sight distance (feet)	90 feet
Minimum curb radius	
(1) Local - local	20 feet

- (2) Local - collector 25 feet all cases
- (3) Collector - collector 30 feet all cases
- (4) Collector - arterial 35 feet all cases

- (4) Collector - arterial 1320 feet all cases

Minimum angle of intersection 75% (Prefer 90%)

(Ord. 81-0-19, passed 5-11-81)

Minimum centerline, offset of adjacent intersections (feet)

- (1) Local - local 150 feet all cases
- (2) Local - collector 200 feet all cases
- (3) Collector - collector 300 feet all cases

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§ 154.53 SIDEWALKS.

Any sidewalks shall be constructed in accordance with the "Standard Specifications for Road and Bridge Construction," with the following exceptions:

(A) Sidewalks shall be located totally within the right-of-way and one foot inside the right-of-way line, unless otherwise approved by the City Engineer.

(B) Sidewalks shall be constructed of portland cement concrete.

(C) The minimum thickness of portland cement concrete sidewalks shall be as follows:

Location	Sidewalk Thickness	
	Throughout	at Drives
Residential	4 inches*	6 inches
Business, commercial	5 inches*	6 inches
Industrial	5 inches**	6 inches

\*except at drives; \*\*except at drives and within 20 feet of drives, six inches.

(D) Two test specimens shall be taken per 500 lineal feet of sidewalk or one per day of sidewalk construction, whichever is greater.

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companies, shall comply with regulations set forth in the "Standard Specifications for Road and Bridge Construction," and applicable regulations. (Ord. 81-0-19, passed 5-11-81)

§ 154.55 BROKEN OR DAMAGED FIELD TILES; OTHER DRAINAGE FACILITIES.

All drainage facilities and sewer lines which are broken or damaged during construction shall be restored as nearly as

(E) Portland cement concrete strength tests shall show a minimum modulus of rupture of 600 psi on the fourteenth day following the pour.

(F) The minimum width of all sidewalks shall be four feet, except in commercial areas, where the minimum width shall be five feet.

(G) Sidewalks shall be constructed having a transverse slope toward the street of 1/4 inch per foot.

(H) Sidewalks shall be constructed having a longitudinal slope no greater than one inch per foot.

(I) Sidewalks and crosswalks which abut streets shall be ramped with a nonslip surface so that street and sidewalk and crosswalk intersections merge to a common elevation, enabling persons in wheelchairs to travel freely. (Ord. 81-0-19, passed 5-11-81; Am. Ord. 2004-0-16, passed 8-23-04)

§ 154.54 EXCAVATION, TRENCHES, AND BACKFILL.

Excavation, trenches, and backfill work, including that performed by utility

possible to their original state by the subdivider, except that all field tiles shall be connected to the storm sewer system where necessary for protection of improvements or prevention of upstream flood damage. This requirement may be waived by the City Engineer if the repair or connection would serve no useful purpose. (Ord. 81-0-19, passed 5-11-81)

§ 154.56 MONUMENTS.

(A) Permanent monuments shall be placed at all corners and at points of tangency of curve lines along the boundary

of the subdivision. Permanent monuments shall be of concrete with minimum dimensions of four inches by four inches at top, six inches by six inches at bottom, and 36 inches long, with a dowel of 3/8 of an inch in diameter, of at least 2-1/2 inches in length, imbedded so that the top of the dowel shall be flush with the surface and at the center of the monument.

(B) All lot corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or steel bars at least 18 inches in length and not less than 1/2 of an inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.

(C) In addition, a minimum of one permanent bench mark shall be established for each 20 acres, or fraction thereof, subdivided and at a location designated. This monument shall be of concrete with a minimum dimension of four inches by four

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§ 154.57 STREET LIGHTING.

Street lighting, if constructed, shall conform to the following standards and specification:

(A) The "Standard Specifications for Road and Bridge Construction" and the "Standard Specifications for Traffic Control Items," shall govern the construction of street lighting improvements.

(B) The "American National Standard Practice for Roadway Lighting" shall govern illumination standards.

(C) Electrical work shall conform to the "National Electrical Code."

(D) Street lighting improvements shall consist of the complete installation of a high pressure sodium vapor lighting system including cut-off or semicut-off luminaires or approved alternate, aluminum street lighting standards or approved equivalent, direct burial cable or cable in conduit, controls with the ground rod, and meters (supplied by the power company.) The system shall not consist of individual lights connected to the Illinois Power Company system but shall be composed of a reasonable number of complete circuits.

(E) All buried cable shall be Type  
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subdivided area, the conduits or cable shall be placed in designated public ways or easements when necessary in a manner which will not conflict with other

inches at top, six inches by six inches at bottom, and 48 inches long with a brass plate securely fastened to the surface. On the brass plate shall be inscribed the number of the bench mark.

(D) All monuments shall be set such that they will not be moved by frost.

(E) The City Engineer shall be notified of monument placement. Concrete monuments shall be left exposed for two working days after notification to allow for inspection by the City Engineer's office.  
(Ord. 81-0-19, passed 5-11-81)

U.S.E., G.E. Flamanol or a comparable cable in plastic conduit, if approved by the City Engineer. Cable in street crossings shall be in galvanized steel conduit.

(F) Each circuit in the street lighting system shall be equipped with a circuit breaker, a disconnect switch and a photoelectrical cell to automatically turn the lights on and off at dark and dawn respectively and shall be mounted in an Eagle EL 250 cabinet or comparable cabinet, if approved by the City Engineer.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.58 OTHER PUBLIC UTILITIES.

(A) "As Built" plans shall show locations of existing utilities (gas, water, electric, and telephone) and cable TV within public right-of-way or easements. Elevations of existing utilities, as provided by the utility companies, shall be shown on the "As Built" plans. In flood prone areas, proposed public utilities shall be shown on a utility plan and shall be located or elevated so as to minimize or eliminate flood damage to utilities.

(B) All public utilities lines for telephone and electric services shall be placed underground entirely throughout a

underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.  
(Ord. 81-0-19, passed 5-11-81) Penalty, see § 154.99

§ 154.59 BLOCKS.

The following regulations shall govern the design and layout of blocks:

(A) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in these regulations, and shall be arranged to accommodate lots and building sites of the size and character required for the districts as set forth in these subdivision regulations or the zoning code and to provide for the required community facilities.

(B) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Plan Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.

(C) No block shall be longer than 1,200 feet in length, and the block width shall accommodate two tiers of lots, except where an unusual topography or other physical exception or circumstance exists.

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related to topography and the character of the surrounding development.

(B) All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended. In subdivisions not providing full community water and sewer facilities, increased area will be required in instances where such need is indicated by health requirements.

(C) Each lot shall front on a public street. The minimum lot sizes, widths, and setbacks shall meet or exceed the standards established in the zoning code.

(D) Side lot lines shall be at right angles or radial to the street line or substantially so, and along curvilinear street lines, side lot lines so formed shall form a lot having not less than 20 feet of width at either the front or the rear lot line.

(E) Double frontage and reverse frontage lots may be required where they are desirable to provide separation of development from traffic arterials or to overcome other disadvantages of topography or situation. A planting screen easement of at least 20 feet and across which there shall be no right-of-way access may be required along the line of lots abutting such traffic, artery, or other inharmonious

(D) Where blocks are over 900 feet in length a crosswalk easement not less than ten feet in width at or near the halfway point may be required, if necessary to provide proper access to schools, recreational areas, shopping centers, and other facilities.

(E) The depth and widths of properties laid out or reserved for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use and development contemplated. The permanent reservation of suitable buffers and easement areas may be required, where deemed essential. Such areas shall normally be made a part of abutting lots or building sites.

(Ord. 81-0-19, passed 5-11-81)

§ 154.60 LOTS.

The following regulations shall govern the design and layout of lots:

(A) The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly use.

(Ord. 81-0-19, passed 5-11-81)

§ 154.61 EASEMENTS.

(A) Easements shall be provided for any surface, underground, or overground utility service, including storm water drainage, where necessary. They shall have a total width of ten feet and shall be established along rear lot lines and along such other lot lines as are required to provide continuity of alignment throughout the area served. When possible, five feet shall be taken from each of the two adjoining lots for the total ten foot easement.

(B) When a subdivision is traversed or bounded by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction or both, as will be adequate for the purpose. It shall include an additional area at least 15 feet wide adjoining both edges of the established flood plain area as certified by the subdivider or his engineer. Minimum floor elevations for structures may be required in areas which are or may become subject to flooding by surface water.

(Ord. 81-0-19, passed 5-11-81)

§ 154.62 RESUBDIVISION AND REPLATTING.

The Plan Commission shall, in the performance of its plat approving function, be vigilant for opportunities to encourage and facilitate the replatting of prematurely and inexpertly subdivided areas which are in sharp contrast to current standards of acceptability. Rehabilitation of these areas shall be implemented through proper design considerations when adjacent unsubdivided land is proposed for development.

(Ord. 81-0-19, passed 5-11-81)

§ 154.63 BUSINESS AND INDUSTRIAL SUBDIVISIONS.

(A) Business and industrial areas shall be subdivided into lots of such size, shape, and arrangement as will meet business and industrial needs. Properties reserved or laid out for business or industrial purposes shall be large enough to provide for the setback, yard, and off-street parking and loading facilities required by the type of development contemplated as determined by the Plan Commission.

(B) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall be subject to all the requirements of these

regulations and shall conform to the proposed land use and standards established in the Comprehensive Plan, official map, and code.

(C) The following design principles and standards shall apply to all nonresidential subdivisions:

(1) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon;

(2) Special requirements may be imposed by the city with respect to street, curb, gutter, and sidewalk design and construction;

(3) Special requirements may be imposed by the city with respect to the installation of public utilities including water, sewer, and storm water drainage. (Ord. 81-0-19, passed 5-11-81)

§ 154.64 SHARING COSTS OF OVERSIZE IMPROVEMENTS.

Whenever necessary to conform to an overall plan otherwise to protect or promote the public interest, oversize improvements shall be installed or constructed by the subdivider, provided

however, that the cost to the subdivider shall be no greater than that which would result from the installation or construction of only that size necessitated by his own development. The excess cost resulting from the requirement of an oversize improvement shall be borne by the city or the appropriate local agency. (Ord. 81-0-19, passed 5-11-81)

§ 154.65 STREETS IN CONFORMANCE WITH STANDARDS.

(A) Streets shall comply with the standards and specifications set forth in these rules and regulations, the code, and by the current Illinois Highway Standards. All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these regulations.

(B) Street width. Minimum street pavement widths shall conform to the standards given herein. Where pavement widths greater than those specified herein are deemed necessary by the Superintendent and approved by the City Council, the city shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations.

(C) Street subgrade. The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two feet below the finished surface. The subgrade shall be properly rolled, shaped, and compacted, and shall be subject to the approval of the Superintendent.

(D) Street base course. The subdivider has the option of using any of the following base courses, based on soil and traffic conditions: Aggregate; bituminous aggregate; asphaltic concrete; waterbound macadam; portland cement concrete; paving brick; or equally suitable base course, subject to the prior approval of the City Engineer. Thickness shall be determined by the City Engineer, based on the physical properties of the roadbed.

(E) Portland cement concrete pavement. If the subdivider elects to construct streets totally of portland cement concrete or if such pavement is required by the Superintendent, a thickness of six inches for local and collector streets and eight inches for arterial, commercial, and industrial streets shall be required. The Plan Commission may require pavement of greater thickness, on the recommendation of the Superintendent, based on his evaluation of the subgrade, traffic, and wheel load conditions.

(F) Full-depth asphalt pavement. If streets are to be constructed of full-depth asphalt pavement in which asphalt-aggregate mixtures are used for all courses above the subgrade, careful inspection of the subgrade may be necessary to determine pavement thickness. For local streets, pavement may vary from four to six inches depending on subgrade conditions. For collector streets, pavements shall vary from five to eight inches, and for arterial and industrial streets from six to 11 inches.

(G) Street curb and gutters. The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain run-off, curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three dwelling units per net acre. In commercial development, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs, combined curbs, and gutters shall be constructed in conformance with the current requirements of Chapter 158.

§ 154.66 FIRE PROTECTION.

(A) Fire hydrants with 2-1/2-inch outlets and one large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

(B) The type of hydrant and control valves and location of the hydrant shall be as approved by the Fire Chief. (Ord. 81-0-19, passed 5-11-81)

§ 154.67 MISCELLANEOUS.

(A) The subdivider or his agent shall submit a letter from the State Department of Transportation, signed by the Chief Waterways Engineer specifying that lots or portions of lots are subject to flood hazard, or that they are not subject to flood hazard.

(B) Due regard shall be shown for preserving outstanding scenic, cultural, or historic areas.

the opinion of the Plan Commission might create a public nuisance. The improvements shall be constructed

(C) All proposed plats submitted for approval under the provisions of this chapter shall allocate adequate areas for park, school, recreational, and other public and semipublic sites, wherever necessary, in conformity with the Comprehensive Plan as adopted and as required by the city. The location, shape, extent, and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, including but not limited to park, school, recreational, and other public and semipublic needs of the proposed subdivision. Such areas shall be made available by one of the following methods:

(1) Dedication to public use.

(2) Reservation for the use of owners of land contained in the plat by deed restriction or covenants which specify how and under what circumstances the area shall be developed and maintained.

(D) All areas within the subdivision not dedicated and accepted for public uses shall be either:

(1) Included in a subplot,

(2) Dedicated for the use of some or all owners, their heirs, successors and assigns forever, or

(3) Dedicated to a public entity presently in being that accepts title by endorsement on the plat.

(E) All required dedications of land shall comply with applicable provisions of law.

(F) A subsidiary drainage plat will be provided as required by law or if required by the Plan Commission in connection with any waivers under § 154.05.

(G) The subdivider shall plant, install, construct, or otherwise provide all fences, planting strips, or other required buffers along lot lines of houses within any development, backing up to or adjoining any existing or future:

(1) Major street, parkway, or thoroughfare;

(2) Commercial area;

(3) Subdivision entrance-way;

(4) Proposed or existing ditch or natural channel; or

(5) To enclose any hazard which in

according to standards established by the Plan Commission.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.68 INSPECTION; CONTRACTORS; SCHEDULES.

(A) Inspection costs. The cost of city inspection shall be paid by the subdivider, and an amount of money estimated by the city for such purposes shall be deposited in advance with the City Treasurer or otherwise provided for in the construction agreement and bond requirements as herein mentioned.

(B) Qualifications of contractors. The subdivider shall file with the city a list of all contractors and subcontractors who are to participate in the construction of public improvements. Such contractors and subcontractors shall be subject to any and all licensing provisions of the city and shall be subject to disqualification by reason of faulty performance of prior construction work done in the city.

(C) Time schedule and sequence of construction. The subdivider shall submit a statement setting forth a scheduled time not to exceed one year (except in the case of an asphaltic construction where the maximum shall be two years) from the date of approval of the preliminary plat, within which the improvements required by these regulations will be completed. The subdivider shall also enter into a written agreement with the city, itemizing the several phases of construction or installation in sequence with an amount opposite each phase, providing that each amount so listed may be repaid to the subdivider under completion and approval, subsequent to inspection of the particular phase of work represented by that amount. However, 25% of the cash deposit or of the performance bond shall not be released to the subdivider until all construction and installation covered by the deposit or bond as outlined in the subdivider's agreement has been completed, inspected, and accepted by the city.  
(Ord. 81-0-19, passed 5-11-81)

§ 154.99 PENALTY.

Violations of this chapter shall carry a penalty of not less than \$5 per lot per day of violation nor more than \$500 per lot per day of violation.  
(Ord. 81-0-19, passed 5-11-81)



## Section

- 155.01 Definitions
- 155.02 Location restricted
- 155.03 Permanent structures
- 155.04 Report of violations

§ 155.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"TRAILER COACH" or "MOBILE HOME."

Any vehicle or similar portable structure used or so constructed as to permit the occupancy thereof as a dwelling place for one or more persons. Any such structure resting in whole on a permanent foundation, with wheels, tongue, and hitch permanently removed shall not be construed as a trailer coach or mobile home.  
( '69 Code, § 16-1)

§ 155.02 LOCATION RESTRICTED.

It shall be unlawful to park or harbor any trailer coach or mobile home in the city, except in the area bounded on the east by Prairie Street, on the north by North Line Street, on the west by Carico Street and on the south by the north right-  
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of-way line of the C. & E.I. Railroad; provided, that no trailer coach or mobile home shall be permitted to be parked in this area other than in a regularly licensed trailer coach park, unless the written consent of not less than 60% of all property owners within a radius of 300 feet of the proposed location of the trailer coach has been obtained.  
( '69 Code, § 16-2) (Ord. 65-0-15, passed 9-13-65)

§ 155.03 PERMANENT STRUCTURES.

Any trailer coach or mobile home which is converted for use as a permanent structure shall be subject to the zoning requirements of the city.  
( '69 Code, § 16-3)

Cross-reference:

Zoning, see Ch. 156

§ 155.04 REPORT OF VIOLATIONS.

It shall be the duty of the Building Commissioner to ascertain whether there are any violations of this chapter, and to report any violations to the City Council for appropriate action.  
( '69 Code, § 16-4)

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§ 156.001 PURPOSE.

(A) The purpose of this zoning code for the city shall be to promote and secure the public health, safety, comfort, and general welfare for the citizens of the city. To these ends, and in conformance with the principles and policies of the Comprehensive Plan of the city, these policies guiding the interpretation and application of the regulations contained herein shall be to:

District Regulations

Supplementary

156.125 FP Floodplain District

Nonconformities

(1) Provide adequate light, pure air, safety from fire and other dangers, and convenience of access to property, by

regulating use of land and buildings and bulk of structures in relationship to surrounding properties;

(2) Promote orderly development of residential, business, industrial, recreational, and public areas;

(3) Limit congestion in public right-of-ways and prevent overcrowding of land and undue concentration of population;

(4) Protect natural features such as forested areas and water and drainage courses and to minimize the hazards to persons and property resulting from the accumulation of runoff of storm and flood waters;

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(8) Provide protection from air, water, and noise pollution emanating from the use of land and structures within the jurisdiction of this code.

(B) The zoning code of the city shall:

(1) Provide for the division of the city, and the contiguous unincorporated territory within 1-1/2 miles of its city limits, into districts regulating therein the use of land and the use, location, construction, reconstruction, and alteration of buildings and structures;

(2) Prohibit uses, buildings, or structures incompatible with the character of such districts;

(3) Regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces within and surrounding buildings and structures;

(4) Prevent additions to and alterations or remodeling of existing buildings, structures or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this chapter; and

(5) Provide for administration of this code, defining the powers and duties

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"ACCESSORY STRUCTURE" or "ACCESSORY USE." A structure or use which is subordinate in area, extent, or purpose to the principal building or use served.

"ACREAGE." Any tract or parcel of land which has not been subdivided and platted.

"ADJACENT." Adjoining, bordering, touching, or contiguous. Where two lots

(5) Provide for compatibility of different land uses as well as the most appropriate use of land;

(6) Conserve the value of land, buildings, and structures;

(7) Encourage the compact development of urban areas, to minimize the cost of development of public utilities and public transportation facilities and the provision of municipal services; and

of the administrative officers as provided hereinafter and prescribing penalties for the violation of provisions in this chapter or any amendment thereto.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.002 TITLE.

This chapter shall be known and may be cited as the zoning code of the city.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.003 MINIMUM REQUIREMENTS.

In their interpretation and application the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this chapter conflict with the requirements of any other legally adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall prevail.

(Ord. 80-0-24, passed 1-12-81)

§ 156.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

are separated by a street or public alley, they shall not be deemed to be adjacent.

"ADULT ENTERTAINMENT ACTIVITY." An establishment having as a substantial or significant portion of its business the sale, rental, display, exhibition, or viewing of books, magazines, films, photographs, sexual paraphernalia or other materials distinguished by or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or specified anatomical areas as defined

herein.

"ADULT ENTERTAINMENT CABARET." A nightclub, theater, or other establishment that features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers where such performances are distinguished by or characterized by an emphasis on sexual conduct or specified anatomical areas as defined herein.

"ADULT ENTERTAINMENT USE." Sex-related or oriented establishments providing adult services, products, or entertainment including, but not limited to, adult entertainment activity, adult entertainment cabaret, model studios, adult picture arcades or adult motion picture theaters, and similar establishments.

"ADULT MOTION PICTURE THEATER." An establishment, other than an adult picture arcade, in an enclosed building wherein slides or movies are presented for observation by patrons for a substantial or  
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"TV ANTENNA" or "RADIO ANTENNA." An aerial structure for television, radio, or ham radio waves.

"APARTMENT." A room or suite of rooms in a multi-family structure which is arranged, designed, used, or intended to be used as a housekeeping unit for a single family.

"ARTERIAL STREET." See "THOROUGHFARE."

"BASEMENT." For the purpose of height measurement, a basement whose average level is more than one half above the ground will be measured as a story.

"BILLBOARD." A sign which advertises goods, products, or services not necessarily sold on the premises on which the sign is located, it is usually larger than the specified sign standards will allow and thus comes under special regulations.

"BOARDINGHOUSE." A building other than a hotel or restaurant, where meals are provided for compensation for four or more persons, but not to exceed 12 persons.

"BOARD OF APPEALS," "ZONING BOARD OF APPEALS," or "BOARD OF ZONING APPEALS." A local body, created by ordinance, whose

significant portion of its presentations because the same contain material distinguished or characterized by emphasis on matters depicting, describing, or relating to sexual conduct or specified anatomical areas as defined herein.

"ADULT PICTURE ARCADE." Any place to which the public is permitted or invited where coin- or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video cassette recorders or players or other image producing devices are maintained to show images so displaying that are distinguished or characterized by an emphasis on matters depicting, describing, or relating to sexual conduct or specified anatomical areas, as defined herein.

"ALLEY." See "THOROUGHFARE."

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responsibility is to hear appeal from decisions of the Building Inspector and to consider appeals for variances and special use permits permissible under terms of the zoning code.

"BUILDABLE AREA." The space remaining on a lot after compliance with the minimum open space requirements of this chapter.

"BUILDING." Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

"BUILDING INSPECTOR." The local official responsible for granting zoning use permits, occupancy permits, and following a determination by the Zoning Board of Appeals, variances.

"BUILDING HEIGHT." The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, gambrel, or barrel roof provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

"BUILDING LINE." See "SETBACK LINE."

"BUSINESS, GENERAL." Commercial uses which in addition to serving day to day needs, supply the more durable and permanent needs of the community.

"BUSINESS, HIGHWAY." Commercial uses which generally require location on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service, restaurants and motels, and commercial recreation.

"CARPORT." A structure attached to or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two automobiles.

"CEMETERY." Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

"CENTRAL BUSINESS DISTRICT." A dense and workable area occupied mainly by commercial and business uses.

"CERTIFICATE OF COMPLIANCE." See "OCCUPANCY PERMIT."

"COLLECTOR STREET." See "ZONING CODE"

(1) "GROSS DENSITY." The number of dwelling units per acre of the total land to be developed.

(2) "NET DENSITY." The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

"DEVELOPMENT."

(1) Any man-made change to improved or unimproved real estate, including:

(a) Construction, reconstruction, or placement of a building or an addition to a building valued at more than \$1000;

(b) Installing a mobile home on a permanent site;

(c) Drilling, mining, installing public utilities or facilities, construction of roads, bridges, or similar projects valued at more than \$1000;

"COMPREHENSIVE PLAN." The plan, adopted by the Planning Commission and the legislative authority of the city showing the general location and extent of present and proposed physical facilities. This plan establishes the goals, objectives, and policies of the community.

"CORNER LOT." See "LOT TYPES."

"COURT." An open unoccupied space, other than a yard, on the same lot as a building and bounded on two or more sides by such building.

"CUL-DE-SAC." See "THOROUGHFARE."

"CURB GRADE." The established elevation on the curb in front of the building measured at the center of such front. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this chapter.

"DEAD-END STREET." See "THOROUGHFARE."

"DEDICATION." Under subdivision regulations, the transfer of property from private to public ownership.

"DENSITY." The number of dwelling units per acre of land.

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(d) Construction or erection of levees, walls, or fences;

(e) Filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

(f) Storage of materials, or any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) "DEVELOPMENT" does not include:

(a) Maintenance of existing buildings and facilities such as reroofing or resurfacing roads;

(b) Repairs made to a damaged building that do not change the building's exterior dimensions and that are valued at less than 50% of the value of the building before the damage occurred; or

(c) Gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction

of levees.

"DISTRICT." See "ZONING DISTRICT."

"DWELLING." Any building or structure, except a mobile home, which is wholly or partly used or intended to be used for living or sleeping by one or more human

occupants.

"DWELLING, SINGLE-FAMILY." A dwelling consisting of two dwelling units.

"DWELLING, MULTI-FAMILY." A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

"EASEMENT." Authorization by a property owner for the use by another and for a specified purpose, of a designated part of the property.

"FAMILY." Excepting domestic employees, and foster children, any number of persons living together related by blood, marriage, or adoption. Unrelated persons living together in a single housekeeping unit shall not exceed five in number.

"FLOOD." A general and temporary condition of inundation of normally dry land areas from the overflow of a lake, stream, river, or ditch; the unusual and rapid accumulation or runoff of surface waters from any source, and mudslides, mudflows, or collapse of shoreline land.

"FLOODPLAIN." The area adjoining the channel of a river, stream, lake, watercourse, or ocean which has been or may be covered by floodwater, the land adjacent to a body of water which has been or may be covered by floodwater including, but not limited to, the regional flood.

"FLOODPROOFING." Changes or adjustments to properties and structures, subject to flooding, primarily for the reduction or elimination of flood damage to lands, properties, water and sewer facilities, structures, and the contents of buildings.

"FLOODWAY." The area adjoining the channel of a river, stream, lake, or watercourse, which has been or may be covered by floodwater, development here is discouraged.

"FLOODS, REGIONAL." A flood having an average frequency of occurrence of once every 100 years, although the flood may occur in any year. This is not necessarily the greatest flood that may occur since unusual conditions can cause flood elevations to be greater than the regional flood at unpredictable intervals.

"FLOOR AREA OF A RESIDENTIAL BUILDING."

The sum of the gross horizontal area of the several floors of a residential building excluding basement floor areas not devoted to residential use. All dimensions shall be measured between the interior faces of walls.

"FLOOR AREA OF A NONRESIDENTIAL BUILDING." The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

"FLOOR AREA RATIO." A mathematical expression determined by dividing the total

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floor area of a building by the area of the lot on which it is located.

$$\frac{\text{Floor area}}{\text{Lot area}} = \text{Floor area ratio}$$

"FRONTAGE." All the property on one side of the street between intersecting streets (crossing or terminating), measured along the line of the adjoining street or if the street is dead ended, then all of the property on one side between an intersecting street and the dead end street, or if the street is a continuous street running through a subdivision then all property on one side of the street measured between the boundary lines of the subdivision.

"GARAGE, PRIVATE." A building or a part of a building for the storage of not more than three motor-driven vehicles, of which not more than one shall be a commercial vehicle of not more than a two-ton rating.

"GARAGE, PUBLIC." A building, or a part of a building other than a private garage, used for the care, repair, or storage of equipment or automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

"GUESTHOUSE." Structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

"HARDSHIP." Occurs when some unique circumstance is occasioned by unusual topographic or platting conditions which affect only the complainant's land or lot, or at most a few other lots in the same area. A particular hardship does not mean one that is self-imposed or that a piece of property is better adapted for a forbidden use than for the one which is permitted, or that a variance would be to the owner's profit or advantage, or convenience.

"HAZARD." That which endangers life, health, or safety.

"HOME OCCUPATION." An occupation conducted in a dwelling unit, provided that:

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(1) Only members of the family residing on the premises shall be engaged in such occupation.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

(4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this chapter, and shall not be located in a required front yard.

(5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit, if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

"HOSPITAL" or "SANITARIUM." A licensed institution, open to the public, in which sick or injured persons are given medical or surgical care or in which persons with contagious or incurable diseases are cared for.

"HOTEL" or "MOTEL." A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boardinghouse, rooming house, or lodging house which is herein separately defined.

"INSTITUTION." A building occupied by a nonprofit establishment for public or semipublic use.

"KENNEL." Any lot or premises on which two or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

"LABORATORY." A place devoted to experimental study. Manufacturing of a product is not to be permitted in this definition.

"LOADING SPACE." An off-street space or berth on the same lot as a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle

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while loading or unloading merchandise or materials, and which abuts on a street, alley, or other appropriate means of access.

"LODGING HOUSE." A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or transients.

"LOT." A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. "LOT" includes the words plot or parcel.

"LOT TYPES." Corner lots, interior lots, and through lots is as follows:

(1) "CORNER LOT." A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(2) "INTERIOR LOT." A lot with only one frontage on a street.

(3) "THROUGH LOT." A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

(4) "REVERSED FRONTAGE LOT." A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

"MAINTENANCE FACILITIES" or "STORAGE FACILITIES." Land, buildings, and structures devoted primarily to the maintenance and storage of equipment and material.

"INDUSTRY, HEAVY." Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage, and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

"INDUSTRY, LIGHT." Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise,