

odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

"INDUSTRY, EXTRACTIVE." Any mining, quarrying, excavating, processing, storing, separating or cleaning of any mineral natural resource.

"MOBILE HOME." Any vehicle or portable structure designed and constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to utilities, whether resting on wheels, jacks, blocks, or other foundations.

"MOBILE HOME PARK." Any site or tract of land on which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such part.

"MODEL STUDIO." Any establishment where, for any form of consideration or gratuity, models display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any activity sponsored by an educational institution recognized by the state in the course of its educational activities.

"MOTOR VEHICLE REPAIR." General repair, engine rebuilding, reconditioning of motor vehicles, collision service (such as body frame or fender straightening and repair), and overall painting of motor vehicles.

"MOTOR VEHICLE SERVICE STATION." A place where gasoline (stored only in underground tanks), kerosene, lubricating oil, or grease for the operation of automobiles, trucks, or boats, are offered for sale directly to the public on the premises, including minor accessories and services for motor vehicles and boats, but not including major motor vehicle or boat repairs or tire recapping, and including washing of motor vehicles where no chain conveyor, blower, or steam cleaning device is employed. When the dispensing, sale, or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

"MOTOR VEHICLE WRECKING YARD" or "JUNK YARD." Any place where two or more motor vehicles, not in running condition, are stored in the open and are not being restored to operation. Any land, building, or structure used for wrecking or storing of such motor vehicles, including any farm

vehicles or farm machinery, stored in the open and not being restored to operating condition, and including the commercial salvaging of any other goods, articles, or merchandise.

"NONCONFORMING USE." Any building, structure, or land lawfully occupied by a use or lawfully situated at the time of the passage of this chapter or amendments thereto, which does not conform after the passage of this chapter or amendments thereto with the regulations of this chapter.

"NUISANCE." That which offends the senses, violates the laws of decency, or obstructs reasonable or comfortable use of property.

"NURSING HOME" or "REST HOME." A licensed institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders.

"OCCUPANCY PERMIT." An official finding that the actual use of a property complies with the requirements of this zoning code or meets the special conditions of a variance or special permit.

"OPEN SPACE." An area open to the sky which may be on the same lot as a building. The area may include (along with the natural environmental features) water areas, swimming pools, tennis courts, and any other recreational facilities that may be deemed permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

"PARKING AREA, PRIVATE." An open area for the parking of privately owned automobiles and not for public use.

"PARKING AREA, PUBLIC." An open area, other than a thoroughfare used for the temporary parking of four automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

"PARKING SPACE." An area, sufficient in size to store one standard automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

"PORCH." A roofed entrance to a building, projecting out from the wall or walls of the main structure.

"PRINCIPAL USE." The main use of land or buildings as distinguished from an accessory use.

(4) "SIGN, LIGHTING DEVICE." Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

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"PUBLIC USE." Public parks, schools, administrative, and cultural buildings devoted solely to the storage and maintenance of equipment and materials and public service.

"PUBLIC WAY." An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

"RECREATIONAL VEHICLE." A self-propelled vehicle designed and constructed for travel and lodging purposes, when equipped for the road and intended only for camping, recreational travel, or vacation use.

"RIGHT-OF-WAY." A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as a grade.

"ROADSIDE STAND." A temporary structure located on private property, designed or used for the display or sale of products.

"SETBACK LINE." A line established by this zoning code, parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure, may be located above ground, except as may be provided in this chapter.

"SIGN." Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

(1) "SIGN, ON-PREMISES." Any sign related to a business or profession conducted, or a commodity or service sold or offered on the premises where such sign is located.

(2) "SIGN, OFF-PREMISES." Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered on the premises where such sign is located.

(3) "SIGN, ILLUMINATED." Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

(5) "SIGN, PROJECTING." Any sign which projects from the exterior of a building.

(6) "SIGN, WALL-FACE." Any sign which is flat against the building, including signs which are painted onto the building.

(7) "SIGN, TEMPORARY." Any sign which is of a temporary nature and will only be posted for a period of not more than 30 days.

"SPECIAL USE." A use permitted within a district other than a principally permitted use, requiring a special use permit and the approval of the Plan Commission and the Council.

"SPECIAL USE PERMIT." A permit issued by the Building Inspector on approval by the Plan Commission and the Council to allow a use other than a principally permitted use to be established within the district.

"SPECIFIED ANATOMICAL AREAS."

(1) Less than completely and opaquely covered human genitals, pubic regions, buttocks, or the female breast

below a point immediately above the top of the areola; or, human male genitals in a discernibly turgid state even if completely and opaquely covered.

(2) Adult entertainment uses shall be allowed in the I-2 Heavy Industrial District, and prohibited in all other zoning districts. Section 156.092 "Table of Permitted and Special Uses" shall be updated accordingly.

(3) No adult entertainment use shall be located nearer than 1,000 feet from the property boundary of any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship (ILCS Ch. 65, Act 5, § 11-5-1.5)

(4) No adult entertainment use shall be located nearer than 1,000 feet from the property boundary of any other adult entertainment use.

(5) No adult entertainment use shall be located nearer than 500 feet from the property boundary of any residential district.

"SPOT ZONING." The classification of a small parcel or lot in a separate zoning district that is different from the classification of the surrounding property.



and circulation routes within residential subdivisions.

(4) "CUL-DE-SAC." A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

(5) "DEAD-END STREET." A street having only one outlet for vehicular traffic, sometimes intended to be continued in the future.

"STORY." That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

"STRUCTURE." Anything constructed, made, or erected; the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, swimming pools, and all masts, antennas, dishes, or other devices designed to receive radio or television signals.

"STRUCTURAL REPAIR, ALTERATIONS." Any change to the supporting members of a building or structure such as load bearing walls, columns, beams, or girders.

"TERRACE." A flat space or platform which is adjacent to one or more faces of the main structure and is raised not more than four feet in height above the average level of the adjoining ground.

"THOROUGHFARE," "STREET," or "ROAD." The full width between property lines bounding every public way, of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

(1) "ALLEY." A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

(2) "ARTERIAL STREET." A general term denoting a highway primarily for through traffic, carrying heavy loads and for large volumes of traffic, usually on a continuous route.

(3) "COLLECTOR STREET." A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance

(6) "LOCAL STREET." A street designed primarily for providing access to residential or other abutting property.

(7) "LOOP STREET." A local street, each end of which terminates at an intersection with the same arterial or collector street, whose main points of curvature do not measure more than 1,000 feet from the arterial or collector street and not more than 6,000 feet from each other.

(8) "MARGINAL ACCESS STREET." A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also called frontage streets.

"THROUGH LOT." See "LOT TYPES."

"TOURIST COURT." A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located for each unit, including auto courts, motels, or motor lodges.

"TOURIST HOME." A dwelling in which overnight accommodations are provided or offered for transient guests.

"TRAILER HOUSE." See "MOBILE HOME."

"TRAILER, TRAVEL." A trailer designed and constructed for travel and lodging purposes, when equipped for the road and intended only for camping, recreational travel, or vacation use.

"USE." The specific purpose for which land or a building is designated, or intended, or for which it is or may be occupied or maintained.

"VARIATION." A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"YARD." A required open space, other than a court, subject to height limitations and requirements limiting obstruction of visibility.

This includes the following:

(1) "YARD, FRONT." A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(2) "YARD, REAR." A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

(3) "YARD, SIDE." A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

"ZONING DISTRICT." A section of the city designated in the zoning code text and delineated on the official zoning map in which requirements for the use of land and building and development standards are prescribed. Within each district all requirements must be uniform.

"ZONING MAP." The map delineating the boundaries of districts which, along with the zoning text comprises the zoning code.

"ZONING USE PERMIT." An official finding that a planned use of a property as indicated by an application, complies with the requirements of the zoning code or meets special conditions of a variance or special permit, the ordinance also will specify additions or alterations that need to have a permit.

(Ord. 80-0-24, passed 1-12-81; Am. Ord. 88-0-2, passed 1-25-88; Am. Ord. 2004-0-19, passed 10-11-04)

#### ADMINISTRATIVE OFFICIALS

##### § 156.010 BUILDING INSPECTOR.

The Mayor shall designate a Building Inspector. The Building Inspector may be provided with the assistance of such other persons as the Mayor may direct. The Building Inspector shall administer and enforce this code and shall, for the purpose of this chapter, have the following specific duties and responsibilities:

(A) Inspect all buildings or structures being erected, altered, relocated, or demolished to ascertain compliance with city codes and ordinances;

(B) Review all applications for building permits and plans and specifications for buildings or structures proposed to be erected, altered, relocated, or demolished to ascertain compliance with the

requirements of this chapter and all other city codes and ordinances;

(C) Examine and approve the work of all trades during construction, alteration, relocation, or demolition of any building or structure;

(D) Make a physical on-site inspection every two weeks, or more often if he deems it necessary, of any construction, alteration, relocation, or demolition subject to the provisions of city codes and ordinances;

(E) Order all work stopped on construction, alteration, or repair of buildings in the city when such work is being done in violation of any provision of any code or ordinance relating thereto, or in violation of this zoning code;

(F) Make or cause to be made entry into any building or premises where the work of altering, repairing, or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour;

(G) Serve in a staff capacity to the Plan Commission and the Zoning Board of Appeals;

(H) Issue building permits for all buildings or structures being erected, altered, relocated, or demolished;

(I) Issue occupancy permits;

(J) Issue special use permits on approval of the application for the special use permit by the Council;

(K) Serve as the ex officio Electrical Inspector and have all the powers and perform all the duties connected with that office, if qualified;

(L) Serve as the ex officio Plumbing Inspector and have all the powers and perform all the duties connected with that office, if qualified.  
(Ord. 80-0-24, passed 1-12-81)

#### § 156.011 PLAN COMMISSION.

The proceedings of the Plan Commission shall be in accord with the Plan Commission procedural manual as adopted and amended, and with the provisions of this chapter. For the purpose of this chapter the Plan Commission shall have the following specific duties and responsibilities:

(A) Initiate proposed amendments to this chapter;

(B) Review all proposed amendments to this chapter and make recommendations to the City Council;

(C) Review and recommend to the City Council approval or denial of special use permits as specified in § 156.092 and under the conditions of §§ 156.115 through 156.119, and such additional safeguards as will uphold the intent of this chapter and the objectives of the Comprehensive Plan.

(D) Holds hearings for amendments to this chapter.

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

#### § 156.012 ZONING BOARD OF APPEALS.

(A) There is established a Zoning Board of Appeals. The Board shall consist of seven members appointed by the Mayor and approved by the City Council, to serve respectively for the following terms: One for one year, one for two years, one for three years, one for four years, one for five years, one for six years; and one for seven years, the successor to each member so appointed to serve for a term of five years. The Zoning Board of Appeals shall elect one member as its chairman and another to serve as its vice-chairman, each for a term of one year and subject to reelection. The chairman, or in his absence, the vice-chairman may administer oaths and compel the attendance of witnesses. The Board shall also select one member as secretary to keep minutes and maintain the records of the Board.

(B) The proceedings of the Zoning Board of Appeals shall be in accord with the Zoning Board of Appeals procedural manual as adopted and amended, with the provisions of this chapter, and with the Illinois Revised Statutes.

(1) All meetings of the Board and all hearings shall be open to the public.

(2) All meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Meetings may be called at the request of three members of the Board.

(3) The Board shall keep minutes of its proceedings, showing the vote of each member on every question, or if absent or failing to vote, indicating that fact. Statement of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as herein provided shall also appear in the minutes. The minutes of the Board shall be open to the public at reasonable hours.

Every rule, regulation, amendment, and every order, requirement, decision, or determination of the Board shall immediately be filed at city hall and shall be a public record.

(4) Expenses incurred by the Zoning Board of Appeals are to be itemized and shall be borne by the city.

(5) No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members.

(6) Any absent member who certifies that he has read the transcript of the proceedings before the Board may vote on any question before the Board.

(C) In exercising its duties, the Zoning Board of Appeals may, as long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination of the Building Inspector and to that end shall have all the powers of the Building Inspector from who the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector from whom an appeal is taken, to decide in favor of the applicant on any matter in which the Board is required to pass under the provisions of this chapter, or to effect any variances in the application of this chapter. For the purpose of this chapter, the Board has the following specific duties and responsibilities:

(1) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, interpretation, or determination made by the Building Inspector.

(2) Hear all applications for variations from the provisions of this chapter and authorize, in the manner provided by law, variations from the provisions of this chapter where the

literal enforcement of these provisions would result in unnecessary hardship. Such variation shall not be contrary to the public interest and shall preserve the spirit of this chapter.  
 (Ord. 80-0-24, passed 1-12-81)

§ 156.013 DUTIES ON MATTERS OF APPEAL.

It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Building Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Building Inspector. Recourse from decisions of the Board shall be made to the courts as provided by law. It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this chapter the City Council shall have only the duties of considering and either adopting or rejecting proposed amendments and official zoning map changes, granting or denying special use permits, the repeal of this chapter as provided by law and establishing a schedule of fees and charges as stated in§

156.030. Nothing in this chapter shall be interpreted to prevent any official of the city from appealing a decision of the Board to the courts as provided in the Illinois Revised Statutes.  
 (Ord. 80-0-24, passed 1-12-81)

ENFORCEMENT

§ 156.020 ZONING USE PERMIT REQUIRED.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall the use of any building, structure, or parcel of land be established or changed without a zoning use permit therefor, issued by the Building Inspector.

Zoning use permits shall be issued only in conformity with the provisions of this chapter unless the Building Inspector receives a written order from the Zoning Board of Appeals deciding an appeal or a variation, or unless the Building Inspector receives an order from the City Council granting a special use.

(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.021 APPLICATION.

The application for zoning use permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state when the permit shall expire and the conditions under which it may be revoked. At a minimum, the application shall contain the following information:

(A) Name, address, and phone number of applicant;

(B) Legal description of property;

(C) Existing use;

(D) Proposed use;

(E) Zoning district, as shown on the official zoning map;

(F) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built on; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alterations;

(G) Structure heights;

(H) Number of off-street parking spaces or loading berths;

(I) Number of dwelling units;

(J) Such other matters as may be necessary to determine conformance with this chapter, and provide for the enforcement of this chapter.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.022 APPROVAL OF ZONING USE PERMIT.

Within 45 days after the receipt of an application, the Building Inspector shall either approve or disapprove the application in conformance with the provisions of this chapter. All zoning use permits shall, however, be conditioned on the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Building Inspector, after the Building Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall issue a placard, to be posted on a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this chapter.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.023 EXPIRATION OF ZONING USE PERMIT.

If the work described in any zoning use permit has not begun within one year from the date of the issuance thereof, then the permit shall expire, it shall be revoked by the Building Inspector, and written notice thereof shall be given to the person affected. If the work described in any zoning use permit has not been substantially completed within two years of the date of issuance thereof, then the permit shall expire and be revoked

written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning use permit has been obtained or extension granted.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.024 PUBLIC FACILITY REQUIREMENT.

No building shall be constructed, and no zoning use permit shall be issued for any building, on any premises not served by sanitary sewer. However, this restriction shall not apply to areas outside corporate limits of this city that are not served by a sanitary sewer system. No utility company shall be allowed to furnish their services to a building being constructed until their service representative is shown a zoning use permit issued by the Building Inspector for the construction of the building. This same restriction shall apply to a mobile home, the owner having to show a parking permit.  
(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.025 OCCUPANCY PERMIT.

It shall be unlawful to use, occupy, permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of the structure until a certificate of occupancy shall have been issued therefor by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this chapter. Such certificate shall be issued within ten days after the creation, erection, change, conversion, alteration, or enlargement has been satisfactorily completed.  
(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.026 TEMPORARY OCCUPANCY PERMIT.

A temporary occupancy permit may be issued by the Building Inspector for a period not exceeding one year during alterations or partial occupancy of a building pending its completion.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.027 RECORDS.

The Building Inspector shall maintain a record of all building permits and occupancy permits and copies shall be furnished on request to any person.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.028 CONTINUANCE OF EXISTING USES.

Nothing in this subchapter shall prevent the continuance of the present occupancy or lawful use of any existing building, except

required by this chapter for any required notice of hearing given in accordance with this chapter or any application filed. No permit shall be issued until all fees and charges are paid in full.

as may be necessary for the safety of life and property, and except as provided in §§ 156.130 through 156.134.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.029 WRITTEN COMPLAINT.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the cause and basis thereof and shall be filed with the Building Inspector. The Building Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.030 ESTABLISHMENT OF FEES, CHARGES, AND EXPENSES.

The City Council shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning use permits, occupancy permits, amendments, appeals, variations, special use permits, plan approvals, and other matters pertaining to the administration and enforcement of this chapter requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Building Inspector and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.031 SCHEDULE OF FEES.

(A) The following fees shall be collected by the Building Inspector for permits and applications authorized by this chapter:

- (1) Zoning use permits:                    See §
- (2) Occupancy permits:                    No charge
- (3) Text amendment/  
    rezoning application:                \$100
- (4) Variation applications:                \$100
- (5) Special use permit  
    applications:                            \$100
- (6) Appeals:                                 \$100

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(B) In addition to the fees provided for in division (A) of this section, the Building Inspector shall collect from any applicant under this chapter the actual costs of postage and publication fees

(C) The failure of any applicant to pay any fees or charges due the city under this chapter shall result in forfeiture of any permit approved under this chapter, if the fees and charges are not paid within 30 days after final approval. In addition, the Building Inspector may request the City Attorney to initiate appropriate legal action to collect all fees and charges due and unpaid.

(Ord. 86-0-8, passed 3-10-86; Am. Ord. 2002-0-5, passed 5-13-02)

SPECIAL USE PERMITS

§ 156.035 APPLICATION.

The proper application shall be filed with the Chairman of the Plan Commission by at least one owner or lessee of the property for which the special use is proposed.

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

Cross-reference:

Request for special use, see Appendix

§ 156.036 PUBLIC HEARING BY PLAN COMMISSION.

The Plan Commission shall hold a public hearing within 45 days after the receipt of an application for a special use permit from the Building Inspector or applicant. The Chairman of the Plan Commission shall fix a reasonable time and place for the hearing. The hearing may take place at a regularly scheduled Plan Commission meeting or it may take place at a specially designated time and place.

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

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§ 156.037 NOTICE OF HEARING IN NEWSPAPER.

Before holding a hearing, notice of its time and place shall be published in a paper of general circulation in the city not less than 15 days and not more than 30 days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the Plan Commission is sought, as well as a brief description of the nature of the application.

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

§ 156.038 NOTICE TO INTERESTED PARTIES.

Before holding a public hearing, written notice of the hearing shall be mailed by the Chairman of the Plan Commission, by first class mail, at least ten days before the day of the hearing to all owners of property located adjacent to or within 250 feet, excluding streets and alleys, in each direction from the property for which the special use is requested. If the property is part of a larger tract, all owners of land abutting the larger tract shall be given notice. The notice shall contain the same information as required of notices published in the newspapers as specified in § 156.037.

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

§ 156.039 ACTION BY PLAN COMMISSION.

Within 30 days after the required public hearing, the Plan Commission shall recommend to the City Council, approval, approval with supplementary conditions, or disapproval of the application as presented.

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

§ 156.040 ACTION BY CITY COUNCIL.

Within 30 days after receipt of the Plan Commission's recommendation, the City Council shall approve the application as recommended by the Plan Commission, disapprove the application, or approve the application with modifications. If the application is approved with modifications, the Council shall direct the Building Inspector to issue a special use permit listing the specific conditions and safeguards specified by the Plan Commission for approval.

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

§ 156.041 GUIDELINES FOR APPROVAL.

The Table of Permitted and Special Uses in § 156.092 shall determine whether the use proposed in a special use permit application is, in fact, allowed as a special use in the zoning district in which it is located. In formulating its recommendation to the City Council concerning a special use permit the Plan Commission shall follow § 156.125.

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Supplementary conditions and safeguards may be prescribed by the Plan Commission or the City Council in accordance with § 156.116. Furthermore, all special uses listed in § 156.117 shall comply with the standards and requirements provided therein, special use permits for mobile home parks shall comply with the provisions of § 156.118 and those uses listed as special uses in the FP, Floodplain District shall comply with the provisions of § 156.125.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.042 EXPIRATION.

A special use permit shall be deemed to authorize only one particular special use and the permit shall automatically expire if, for any reason, the special use shall cease for more than two years.  
(Ord. 80-0-24, passed 1-12-81)

APPEALS AND

VARIATIONS

§ 156.050 APPEALS AND REVIEWS.

Any person aggrieved by a ruling of the Building Inspector respecting the interpretation of this chapter, or any officer, department, board, or bureau of the city affected by a ruling of the Building Inspector concerning the interpretation of this chapter, may take an appeal to the Zoning Board of Appeals. The appeal of the action complained of shall be taken by filing with the Building Inspector and with the Board, a notice of appeal specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. Such appeals shall be taken on forms provided by the Board. The Building Inspector shall forthwith transmit to the Board all papers constituting the record on which the action appealed from was taken.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.051 STAY OF PROCEEDINGS.

The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a circuit court on application and on notice to the Building Inspector from whom the appeal is taken, and on due cause shown.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.052 VARIATIONS.

The Zoning Board of Appeals may authorize on appeal, in a specific case,

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such variations from the terms of this chapter as will be in harmony with its general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variation. Variations shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this chapter would result in unnecessary hardship.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.053 STANDARDS.

A variation from the terms of this chapter shall not be granted by the Zoning Board of Appeals unless and until the proper written application for a variation is submitted to the Building Inspector and the Board. A variation shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which supports conclusions that the standards and conditions imposed by this section have been met by the applicant.  
(Ord. 80-0-24, passed 1-12-81)

Cross-reference:

Request for variation, see Appendix

§ 156.054 WRITTEN APPLICATION.

A variation from the terms of this chapter shall not be granted by the Zoning Board of Appeals unless and until a written application for a variation is submitted to the Building Inspector and the Board containing:

- (A) Name, address, and phone number of applicants;
- (B) Legal description of property;
- (C) Description and nature of variation requested;
- (D) A narrative statement demonstrating that the requested variation conforms to the following standards:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variation requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.055 PUBLIC HEARING BY ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall hold a public hearing within 45 days after the receipt of an application for an appeal or variation from the Building Inspector or an applicant. The Board shall fix a reasonable time and place for the hearing of appeals and shall not have the power to grant a variation until such public hearing has been held, either at a regular meeting or at a special meeting.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.056 NOTICE OF HEARING IN NEWSPAPER.

Before holding a hearing, notice of its time and place shall be published in a paper of general circulation in the city not less than 15 and not more than 30 days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the Board is sought, as well as a brief description of the nature of the application.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.057 NOTICE TO INTERESTED PARTIES.

Before holding a public hearing, written notice of the hearing shall be mailed by the Chairman of the Zoning Board of Appeals, by first class mail, at least ten days before the day of the hearing to all owners of property located adjacent to or within 250 feet, excluding streets and alleys, in each direction from the property for which the variation is requested. If the property is part of a larger tract, all owners of land abutting the larger tract shall be given notice. The notice shall contain the same information as required of notices published in the newspapers as specified in § 156.056.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.058 ACTION BY ZONING BOARD OF APPEALS.

Within 30 days after the required public hearing the Zoning Board of

Appeals shall either approve, approve with conditions, or disapprove the request for appeal or variation. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variation in that they are necessary to make possible a reasonable use of the land, building, or structure. Recourse from Board decisions shall be to the courts.  
(Ord. 80-0-24, passed 1-12-81)

AMENDMENTS

§ 156.065 PLAN COMMISSION HEARING REQUIRED.

The regulations imposed and the districts created under this chapter may be amended by ordinance but no such amendments shall be made without a hearing before the Plan Commission.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.066 APPLICATION FOR TEXT AMENDMENT.

Changes in the text of the zoning code may be proposed on application to the Plan Commission. Such application may be initiated by the City Council, the Plan Commission, the Zoning Board of Appeals, the Building Inspector, the City Attorney, or any interested person.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.067 APPLICATION FOR MAP AMENDMENT.

Changes to the classification of property from one zoning district to another may be initiated by the City Council, the Plan Commission, the Building Inspector, or the owners of more than 50% of the property involved.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.068 PUBLIC HEARING.

The requirements for a public hearing for an amendment shall be the same as those requirements stated in §§ 156.036 through 156.038.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.069 ACTION OF PLAN COMMISSION.

Within 60 days after close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.070 ACTION BY CITY COUNCIL.

Within 60 days after the receipt of the Plan Commission's report, the City Council shall consider the proposed amendment and the recommendation of the Plan Commission, and if the Council's decision on the proposed amendment is favorable, it shall adopt the amendment by ordinance.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.071 PROTEST AGAINST PROPOSED CHANGE.

In case of a written protest against any proposed change in the classification of land, signed and acknowledged by the owners of at least 20% of the lots proposed to be rezoned, or signed by the owners of at least 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of at least 20% of the frontage directly opposite the frontage proposed to be altered, filed with the City Clerk prior to the City Council meeting in which a vote on the proposed rezoning is to be taken, the City Council shall not pass such amendment except by a favorable vote of at least two-thirds of the Council members.  
(Ord. 80-0-24, passed 1-12-81)

ZONING DISTRICTS

§ 156.080 OFFICIAL ZONING MAP.

The districts established in § 156.084 and as shown on the official zoning map, together with all explanatory matter thereon, are adopted as part of this chapter.  
(Ord. 80-0-24, passed 1-12-81; Am. Ord. 80-0-25, passed 1-12-81)

§ 156.081 IDENTIFICATION OF ZONING MAP.

The official zoning map shall be identified by the signature of the Mayor, be attested by the City Clerk, and bear the seal of the city. The location of the official zoning map shall be as prescribed in the Illinois Revised Statutes.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.082 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

(A) Where district boundaries are indicated as approximately following the center lines of thoroughfares, such center lines shall be construed to be the boundaries.

(B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.

(C) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall

be determined by the use of the scale shown on the official zoning map.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.083 UPDATING ZONING MAP.

The City Council shall require the official zoning map to be updated each year to reflect the changes in district boundaries made during the preceding calendar year. The updated map shall be published no later than March 31 of each year. If no changes in district boundaries occur in the preceding year, the official zoning map does not need to be updated.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.084 ESTABLISHMENT AND INTENT.

The following zoning districts are established for the city. These zoning districts have been formulated for the interpretation of this chapter and to realize the general purposes set forth in § 156.001. In addition, the specific purpose of each zoning district shall be as stated herein.

(A) The T, Transitional District is intended to prevent scattered, indiscriminate urban development, thus allowing for efficient expansion contiguous to the existing urban area. T District application is also intended to prevent strip development. Subdivision is not altogether prohibited in this district, but rather, it is regulated so as to prevent urban development that would not be serviced by public sewer and water, or that in the present or future would cause unnecessary increases in the cost of these and other public services. T District application is in no way intended to regulate agricultural uses and uses that are accessory to agricultural uses, with the exception that area and height requirements shall apply to these uses.

(B) The D-1, Single-Family Dwelling District is intended to provide areas for single-family detached dwellings as specified in the applicable lot regulations, and is primarily intended for application in areas outside of the older residential areas that comprise the D-2 District.

(C) The D-2, General Dwelling District is intended to provide areas for a variety of housing types - single-family, two-family, and multiple-family dwellings, as specified in § 156.102. D-2 District application is initially intended for application in the older residential areas of the city to allow continuation of the existing housing environment and to encourage this area to be fully developed.

(D) The D-3, Mobile Home Dwelling District is intended to provide areas where mobile homes can be a viable alternative to the housing types permitted in the D-1 and D-2 Districts. The D-3 District is intended to regulate and encourage well-designed mobile home parks in a healthful, safe, and comfortable environment, with particular consideration for site size, open space, and density.

(E) B-1 Highway Business District. The design and regulations of this district are intended to provide for certain types of commercial activities which have some characteristics in common. In this district the customer usually comes directly to the particular establishment by automobile, making a separate stop for each errand. Comparison shopping activity is less than in the Central Business District. Since there is little essential interdependence of activities, establishments can be dispersed over considerable areas with each establishment having its own automobile parking. Consequently, good automobile accessibility is essential to this district.

(F) The B-2, General Business District is intended to provide for certain types of commercial activities which have functional and economic relationships to the Central Business or Highway Business Districts, or that are related in a peripheral manner to the Central Business District. Since there is little essential interdependence of activities, each establishment may have its own automobile parking area. Good traffic accessibility is essential to this district, particularly for trucks and other freight carriers.

(G) The B-3, Central Business District is intended to serve the central retail marketing function for the city. A prime characteristic of this district is its pedestrian activity. In the regulation and the future planning of this district, the essential interdependence of activities should be given precedence over any desire to permit automobiles to come directly to each establishment. Offices and office buildings are compatible with the purpose of this district as long as adequate and convenient parking can be provided for both the offices and nearby retail merchandising activity.

(H) The purpose of the I-1, Light Industry District is to provide for storage and manufacturing uses not normally creating a nuisance discernable beyond the property lines of each establishment.

(I) The purpose of the I-2, Heavy Industry District is to provide areas for those storage and manufacturing uses

which are potentially hazardous, or which have nuisance effects which are often discernable beyond the property lines of the establishment. Consequently, the district in which these uses are allowed is located in areas relatively remote from residential and prime retail development.

(J) FP Floodplain District.

(1) Floodplain regulations are designed to accomplish two basic objectives related to flood damage protection:

(a) To prevent new development from increasing flood damages to others; and

(b) To ensure that new building will be free from flood damage. The guideline used in urban areas is to permit the regional flood to be raised no more than 1/10 of a foot by future development.

(2) The intent of the Floodplain (FP) District is to prevent harm to people and property in those parts of the underlying districts which lie in flood-prone areas. As such, the FP District is an overlay district, meaning, that the regulations for the underlying Districts apply in addition to the FP District regulations, except if a conflict exists, the FP District regulations shall take precedence. The exact relationship between the district regulations and special use regulations in the Floodplain District and those of the underlying districts is clarified in § 156.117(A). Floodplains are those areas of land adjacent to bodies of water and drainage channels which are occasionally inundated by flood waters. More and more of this land has been built on, resulting in rising losses from flood damage. As the floodplain is filled in and built up, the flood waters are constricted and forced elsewhere, at a higher velocity and with greater potential for harm to people and property. Therefore, it is the best interest of the public to keep floodplains as close as possible to their natural condition so that they may fulfill their prime function of floodwater storage and passage. The regulations set forth in § 156.125 are intended to decrease the potential for future flood losses by guiding development away from flood-prone areas and by imposing strict standards and requirements on any development that does take place in this district.

(K) R-1, Single Family Residence in golf courses. This district is intended to provide areas for single family, detached dwelling as specified in the applicable lot regulations, just as specified in the D-1 District; however, in addition to and separate and apart from the regulations governing the D-1 District, the R-1 District would also: allow public and/or private golf course uses, together with any

and all activities normally associated with and incident thereto, including, but not necessarily limited to, retail pro shop activities, restaurant or food and beverage dispensing, banquet hall, and golf driving

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range. These activities related to the operation and maintenance of a golf course are limited only to the golf course, and are not permitted upon any residential lot or within any residence located thereon. Further, no special uses will be permitted within R-1 as concerns residential housing uses. Further, all utilities must be buried underground.

(L) R-2 General Dwelling District. This district is intended to provide areas for a variety of housing types, from single family dwelling to multi-family dwellings. The R-2 District is like the D-2 District except as follows: no special use permits will be allowed. All utilities must be underground. Further, zero lot line building will be permitted, as defined herein in § 156.109.

(Ord. 80-0-24, passed 1-12-81; Am. Ord. 95-0-6, passed 7-10-95)

PERMITTED AND  
SPECIAL USES;  
PRINCIPAL AND  
ACCESSORY USES

§ 156.090 PERMITTED AND SPECIAL USES.

(A) In any zoning district, no land, building, or structure shall be used, and no building or structure shall hereafter be erected or structurally altered, except for:

(1) One or more of the uses permitted by right in that district in § 156.092.

(2) One or more of the special uses listed for that district in § 156.092, provided that a special use permit therefor (for each special use) has been issued, according to the procedure specified in §§ 156.035 through § 156.042.

(B) In the case of a use not specifically mentioned in § 156.092 such use shall be subject to the use (whether a permitted use or a special use) to which it is most related or similar, as determined by the Building Inspector. He may determine that such a use is either a permitted use, a special use, or not permitted in the zoning district in which it is proposed or located. He shall keep a written record of all such determinations, which may be consulted in the future. (Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.091 PRINCIPAL AND ACCESSORY USES.

(A) The uses listed in § 156.092 are principal uses.

(B) Except as otherwise provided, an accessory use, building, or structure is permitted to accompany the principal use to which it is subordinate where such principal use is either permitted or

authorized by a special use permit.

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(C) A structure or use may be erected or established as an accessory structure or use to a permitted principal building, structure, or use, provided that:

(1) It is located on the lot occupied by or intended for the principal use or

AREA AND HEIGHT REGULATIONS

§ 156.100 INTENT.

The purpose of district regulations is to establish restrictions and permissible uses within each district, and to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered. Refer to § 156.084 for establishment and intent of each district.

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

§ 156.101 COMPLIANCE.

The regulations for each district set forth by this chapter shall be minimum regulations and shall apply uniformly to each class or kind or structure or land, except as hereinafter provided;

(A) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) No building or other structure shall be erected or altered:

(1) To provide for greater height or bulk;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces; or

(5) To exceed housing density;

(6) Than herein required, or to in any other manner be contrary to the provisions of this chapter.

(C) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements set forth herein. (Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

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lots are subject to the regulations in § 156.119. Mobile homes in mobile home parks are subject to the regulations in § 156.118.

(B) Footnotes for Table of Area and Height Regulations.

(1) Exception 1: The lot area for churches, public and private schools, or any permitted institution shall be a minimum of 20,000 square feet. Exception 2: No additional lot or parcel area is required for units above or below the ground (grade) floor, except as might be required to meet the parking space requirements of § 156.158.

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(2) On all corner lots, the side requirement next to the interior lot shall be the same as an interior lot (ten feet), however, the setback from the intersecting streets shall be 25 feet in both directions irregardless of which street the building faces. Side yard to alley shall be a minimum of 20 feet on corner lots. No accessory building on a corner lot shall project beyond the front yard required on the adjacent rear lot, nor be located nearer than ten feet to the side line of the adjacent lots.

(3) Where a lot is used for any of the purposes permitted in this district and is located at the intersection of two or more streets, and where a Dwelling District adjoins the rear of the lot, the side yard on the side of the lot adjacent to the street shall not be less than ten feet in width, except that the buildable width of the lot shall not be reduced to less than 20 feet. In all other cases, a side yard is not required except on the side of a lot adjoining a Dwelling District, in which case there shall be a side yard of not less than ten feet.

(4) There shall be a minimum side yard of not less than 15 feet on both sides of the building or buildings, but where the property is adjacent to a Dwelling District, there shall be a side yard of not less than 25 feet on the side nearest to the residential lots. The parking of private automobiles may be permitted within the side yard areas, but not closer than six feet to any lot zoned for residential use.

(5) A rear yard of ten feet is required from an alley, except where a lot abuts on a Dwelling District, in which case there shall be a rear yard of not less than 25 feet, and no storage of materials or equipment, or the parking of automobiles shall take place within the ten feet closest to any residential lot or lots.

(6) These regulations apply only to buildings and structures other than mobile homes. Mobile homes on individual

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5-24-04; Am. Ord. 2007-0-10, passed 7-23-07)

(7) The rear setback in Parkview Addition and part of Parkview 2nd Addition, described as Blocks 1-6 of Parkview Addition, per Plat recorded in Book 2, Page 24, on May 13, 1959; and Lots 1 and 12 of Block 7, of Parkview 2nd Addition, per plat recorded in Book 4, Page, on October 10, 1973, at the Douglas County Recorder's Office, Douglas County, Illinois, shall be 20 feet.

(C) Within an R-2 and D-2 District, "zero" lot line developments would be permitted, as hereinafter defined. When one or more lots are contiguously covered by one uninterrupted, continuous building, then the interior lot lines have no side setback requirements; however, the end lots of any such group of contiguous lots covered by one continuous building shall be subject to an 8-foot side setback, as required of all single family and general residential dwellings in division (A). Further, and concerning the common wall separating different individual dwelling units within a multi-family building in an R-2 and D-2 District, said common wall shall have a fire rating of not less than two hours. No breaching of the fire wall is permitted. Said two hour fire rating shall be pursuant to the National Fire Code, or the specific order and/or approval of the State Fire Marshal of the State of Illinois.

(Ord. 80-0-24, passed 1-12-81; Am. Ord. 95-0-6, passed 7-10-95; Am. Ord. 95-0-8, passed 7-24-95; Am. Ord. 2004-0-12, passed § 156.105

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period construction work is in progress, but such temporary facilities shall be removed on completion of the construction work. Continuation of such structures, equipment, or materials beyond the completion date of the project shall require a special use permit. (Ord. 80-0-24, passed 1-12-81)

§ 156.105 DESIGNATION OF THOROUGHFARES.

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such alleys, streets, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. (Ord. 80-0-24, passed 1-12-81)

§ 156.106 SUPPLEMENTAL YARD AND HEIGHT

§ 156.103 CONVERSION OF DWELLINGS TO MORE UNITS.

A residence may not be converted to accommodate an increased number of dwelling units unless:

(A) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.

(B) The lot area per family equals the lot area requirements for new structures in that district.

(C) The conversion is in compliance with all other relevant codes and ordinances.

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

§ 156.104 TEMPORARY BUILDINGS.

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may only be permitted in any district during the

REGULATIONS.

In addition to all yard regulations specified in § 156.102 and in other sections of this chapter, the following provisions shall be used for interpretation and clarification.

(A) No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court, or other open space required by this chapter, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of, or for any other building.

(B) A terrace, not including a roofed-over porch, may occupy a front yard provided the unoccupied portion of the front yard has a depth of not less than 15 feet. A one-story bay window may project into a front yard not more than three feet. Overhanging eaves including gutters, may project over the minimum required side yard not more than 24 inches.

(C) The minimum yards or other open spaces, including lot areas per family required by this chapter for each and every building existing at the time of passage of this chapter, or for any building hereafter erected, shall not be considered as yard or open space requirements for any other building.

(D) On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the

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district in which such structures are located.

(E) On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-½ and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along the street lines 50 feet from the point of intersection.

(F) In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 2-½ feet and no hedge or other vegetation shall be permitted which obstructs vision across such yard between the height of 2-½ and ten feet.

(G) Open structures such as porches,  
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street, which easement shall have a minimum width of 25 feet unless an easement of lesser width was of record prior to the adoption of this code.

(K) The purpose of this provision is to permit the utilization of older recorded lots which lack adequate width, depth, or shape, as long as a reasonable living standard can be provided and the character of the neighborhood can be maintained. Any separate tract of land, or lot, or subdivision with a recorded date before December 31, 1953, and which is located in D-1 Single-family District, or D-2 General Residential District may be utilized,

canopies, balconies, platforms, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front, side, or rear yard. Projections shall be subject to a special use permit.

(H) The height limitations contained in § 156.02 apply to all buildings and structures with the exception of roof structures, the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or protective walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials or antennas, wireless mast, water tank, signs in the Highway Business District or similar structures may be erected above the height limits of the district in which it is located. No such structure may be erected to exceed by more than 25 feet the height limits of the district in which it is located, except that aerials or antennas designed to aid home television and radio reception may be erected to a height not to exceed 60 feet from the ground level provided the aerial or antenna is attached to the building or erected in the side or rear yard area.

(I) Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this chapter.

(J) No building shall be constructed or erected on a lot, or parcel of land, which does not abut upon a public street or permanent easement of access to a public

subject to the provisions and requirements for said zoning districts, with less than the setback requirements of the Table 156.102, provided the requirements for setbacks and open space are within 75% of that required by the terms of this chapter. Further, any lot of any recorded date, where 50% of the existing dwellings on one side of the street between intersecting streets have setback lines established less than the requirement of this section, no buildings or additions need not setback more than the average of those already established, but not less than 15 feet front and rear, and six feet sides.

(L) No residential structure shall be erected on the rear of a lot or on a lot with another dwelling, except that in a

two-story garage with living quarters upon the second floor, such quarters may be occupied by domestic employees (and his or her family) of the family occupying the main structure. There also may be constructed a guest house (without kitchen) or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupancy by others as a housekeeping unit (unless such facilities are used for the housing of invalids or elderly relatives.) (Ord. 80-0-24, passed 1-12-81; Am. Ord. 2002-0-13, passed 7-8-02) Penalty, see § 156.999

(A) Where an accessory structure is structurally attached to a main structure, it shall be subject to, and must conform to all regulations of this chapter applicable to the main structure.

(B) Accessory structures shall not be placed anywhere in the required front yard setback, including the front or side yards adjacent to the abutting street. An accessory structure may not be located

§ 156.107 ACCESSORY STRUCTURES.

Accessory structures, except as otherwise permitted in this chapter, shall be subject to the following regulations:

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nearer than six feet to any interior lot line and not nearer than ten feet to the rear lot line or alley right-of-way property line. Except that, any accessory structure 400 square feet or less in total area, and ten feet or less in height, may be located not less than three feet from any interior lot line, and not less than three feet from any rear lot line, and not less than ten feet from any alley right-of-way property line.

(C) No detached accessory structure shall be located closer than five feet to any main structure.

(D) An accessory structure shall not be erected prior to the establishment or construction of the principal structure for living quarters. Accessory buildings for storage of tools and construction material or as a temporary office may be constructed prior to principal buildings, provided the main building is finished in a reasonable length of time.

(E) No accessory use shall be established prior to the establishment of the main or principal use and no accessory structure shall be constructed, erected, altered, remodeled, or extended prior to the establishment or construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use or for the construction of the main or principal structure.

(Ord. 80-0-24, passed 1-12-81; Am. Ord. 88-0-2, passed 1-25-88; Am. Ord. 2006-0-1, passed 1-23-06) Penalty, see § 156.999

§ 156.108 BUILDING UNDER CONSTRUCTION.

Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of this code and on which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two years from the date of passage and publication of this chapter.

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

STANDARDS AND REQUIREMENTS  
FOR SPECIAL USES

§ 156.115 GENERAL STANDARDS.

(A) The Plan Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and requirements and

shall find adequate evidence showing that such use at the proposed location:

(1) Is in fact, a special use in § 156.092 for the zoning district in which it would be located;

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(2) Will be harmonious with and in accordance with the general objectives, or with any specific provision, of the city Comprehensive Plan or zoning code.

(3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general character of the general vicinity and that such use will not change the essential character of the same area;

(4) Will not be hazardous or disturbing to the existing or future neighboring uses;

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

(7) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

(8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on the surrounding public thoroughfares;

(9) Will not result in the destruction, loss, or damage to cultural, scenic, or historic features;

(10) In the case of mobile home parks, has followed the procedures and has satisfied the standards and requirements of

§ 156.118; if the provisions of § 156.118 conflict with any other provisions of this subchapter, the provisions of § 156.118 shall prevail;

(11) In the case of special uses in the FP Floodplain District, complies with all applicable regulations in § 156.119. An explanation of the relation between regulations for the Floodplain District and regulations for the underlying T, I, B, or D Districts, including regulation of special uses, is provided in division (A)(3) hereof.

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(B) All special uses, in all zoning districts, require a special use permit which must be applied for to the Plan Commission and approved by the City Council. The procedure for application and approval of special use permits is set forth in §§ 156.033 through 156.042. (Ord. 80-0-24, passed 1-12-81)

§ 156.116 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any special use permit, the Plan Commission may prescribe for any structure so approved restrictions on height and bulk which are deemed reasonable and which are in conformity with this chapter provided that such restrictions shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located. Violation of such conditions and safeguards, when made part of the terms under which the special use is granted, shall be deemed a violation of this chapter and punishable under § 156.999. (Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.99

§ 156.117 STANDARDS AND REQUIREMENTS FOR SPECIFIC SPECIAL USES.

In addition to §§ 156.115 and 156.116 the Plan Commission may recommend and the City Council approve, the special uses listed in division (B) hereof. Special uses shall comply with the standards and requirements provided therein. These standards and requirements shall apply only where a use is listed as a special use in the zoning district in which it is or would be located. Where a use is listed as permitted in a zoning district, the regular zoning district standards and requirements shall apply. In the case of a use being listed as a special use in the FP, Floodplain District the standards and requirements listed in the following schedule shall apply only where the use is also listed as a special use in the underlying T, D, B, or I District. Otherwise, a use listed as a special use shall be subject only to the provisions of § 156.125(A)(1). The following table is provided to clarify the relation between regulations for the FP, Floodplain District and regulations for the underlying T, D, B, or I Districts.

(A) The relation between regulations in the FP, Floodplain District and regulations for the underlying T, D, B, and I Districts.

If use is listed in the underlying T, D, B, or I District as:

	Permitted	Special
If use is listed in the FP, Floodplain District as:	Both regulations applying to all uses in the FP District regulations applying to all uses in the underlying T, D, B, or I District shall apply, except that in case of conflict, the FP District regulations shall prevail. (no special use permit required)	Both regulations applying to and all uses in the FP District and regulations applying to all uses in the underlying T, D, B, or I District shall apply, except that in case of conflict, the FP District regulations shall prevail. In addition, the special use regulations for the underlying T, D, B, or I District shall apply, except that in case of conflict with any FP District regulations,
Permitted		

the FP District regulations shall prevail. (special use permit required)

Both regulations applying to all uses in the FP District and regulations applying to all uses in the underlying T, D, B, or I District shall apply, except that in case of conflict, the FP District regulations shall prevail. In addition, the special use regulations for the FP District shall apply and shall prevail in case of conflict with any regulations for the underlying T, D, B, or I District. (special use permit required)

Special

Both regulations applying to all uses in the FP District and regulations applying to all uses in the underlying T, D, B, or I District shall apply, except that in case of conflict, the FP District regulations shall prevail. In addition, the special use regulations for the FP District and the special use regulations for the underlying T, D, B, or I District shall apply, except that in case of conflict, the special use regulations for the FP District shall prevail. (special use permit required)

(B) Schedule of standards and requirements for specific special uses. The following schedule provides standards and requirements for specific uses indicated as special uses in § 156.092. Those uses listed as special uses in § 156.092 and not listed in this division shall comply with applicable regulations in §§ 156.115 and 156.116 and all applicable regulations for the zoning district in which the special use is located. Footnotes are included in this table and are given at its conclusion.

Special Uses or Use Categories	Explanatory or Special Provisions
All special uses in the Industrial uses: Food and kindred products category	Not permitted closer than 300 feet from any D or B District or any institutional or public assembly use. Front setback must be a minimum of 100 feet and side and rear yards must be a minimum of 50 feet.
All special uses in the Industrial uses: Chemical and allied products category	Not permitted closer than 2,000 feet from any D or B District or any institutional or public assembly use. Front setback and side and rear yards must be a minimum of 300 feet.
All special uses in the Industrial products: Petroleum and rubber products category, except petroleum and gas bulk storage of any other explosive flammable or toxic substance. <sup>1</sup>	Not permitted closer than 2,000 feet from any D or B District or any institutional or public assembly use. Front and side and rear setbacks must be a minimum of 300 feet.
Petroleum and gas bulk storage, or bulk storage of any other flammable explosive	Not permitted closer than 1,500 feet from an D or B District or toxic substance <sup>1</sup>
Mineral extraction, quarrying, topsoil removal, or similar activities	Front setback and side and rear yards must be a minimum of 100 feet.
Radio or television tower <sup>1</sup>	Front setback must be a minimum of 100 feet. Side and rear yards must be a minimum of 50 feet.
Water treatment, pumping or storage facility <sup>1</sup>	Front setback shall be a minimum of 100 feet and side and rear yards shall be a minimum of 50 feet.
Temporary real estate sales or rental office	Special use permit must be renewed annually.
Electrical substation <sup>1</sup>	Side and rear yards shall be a minimum of 20 feet. 6-foot wire mesh or solid fence required around site.
Hospital <sup>1</sup>	Side and rear yards shall be a minimum of 40 feet.
Truck terminal or cartage and express facilities <sup>1</sup>	Not permitted closer than 200 feet from any D District or residential use.
Railroad yard or freight terminal <sup>1</sup>	Not permitted closer than 200 feet from any D District.
Open-air or drive-in theater, Miniature golf course, or all other outdoor private or commercial amusement or recreational enterprises <sup>1</sup>	Not permitted within 200 feet of any D District.

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Special Uses or Use Categories	Explanatory or Special Provisions
Kennel or dog pound or veterinary hospital <sup>1</sup>	Not permitted within 100 feet of any D District or any residential, institutional, or public assembly use. 6-foot wire mesh or solid fence required around open animal exercise yards.
Airport or airfield	Federal Aviation Administration and Illinois Department of Aeronautics requirements govern.
Public or commercial sanitary landfill	Not permitted closer than 500 feet from any D or B District, or any institutional or public assembly use. Other standards shall be in accordance with the State of Illinois Environmental Protection Solid Waste Rules and Regulations, effective July 27, 1973.
Sewage disposal plant or lagoon <sup>1</sup>	Not permitted closer than 500 feet from any residential, institutional, or public assembly use. Front back and side and rear yards shall be a minimum of 200 feet. All sewage facilities shall be constructed in accordance with the rules and regulations of the state and this chapter.

Notes

<sup>1</sup>If use existed prior to the effective date of this chapter, but is not in conformity to the standards and requirements set forth in the above schedule, the use shall without further action be considered to be conforming in its use, setback, side and rear yard, and other requirements provided, however, that it still conforms to the regulations for permitted uses for the zoning district in which it is located. If use does not conform to the district regulations, then it shall be deemed nonconforming.  
(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.118 MOBILE HOME PARKS.

Mobile home parks are permitted as a special use in the D-3, Mobile Home Dwelling District subject to the following provisions and the provisions of ILCS Ch. 210, Act 115 § 1.

(A) Special use permits for mobile home parks; additional requirements for special use permit applications. It shall be unlawful to construct, alter, or expand any mobile home park, unless a valid special use permit is issued by the City Council for the specific construction, alteration, or expansion proposed. All application for special use permits for mobile home parks shall, in addition to the information required by §§ 156.035 through 156.042, contain the following minimum plans and specifications:

- (1) A map indicating the area and dimensions of the tract of land;
- (2) The number, location, and size of all mobile home sites;
- (3) The location and width of all public and private streets, roadways, and walks;
- (4) The location of all water, storm sewer, and sanitary sewer lines, and refusal disposal facilities;
- (5) All buildings existing or to be constructed within the mobile home park;
- (6) The location of internal lighting and electrical systems.

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(B) Development standards.

(b) All mobile home parks shall have minimum side and rear yards of 15 feet.

(1) General provisions.

(a) No mobile home park shall be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations, or other adverse influences.

(b) Ingress and egress to a mobile home park shall be provided in such a manner to facilitate access by emergency vehicles, and shall be designed to provide efficient and safe traffic circulation in the vicinity.

(c) No part of any mobile home park shall be used for nonresidential purposes except for accessory uses that are required to directly serve mobile home park residents and for management and maintenance of the mobile home park.

(d) No mobile home park shall be located in an area, where the conditions of soil, groundwater level, drainage, or topography may cause hazard to the property, health, or safety of the occupants.

(2) Size and density of mobile home parks. No mobile home park shall contain an area of less than five acres nor less than 20 mobile home sites provided, however, that mobile home parks in existence on the effective date of this chapter having a total area or number of mobile home sites less than hereinabove prescribed may continue to operate. Existing mobile home parks may be altered to bring such parks into conformity with this chapter. However, no additions or alterations may be made to any existing mobile home park unless such additions or alterations are in conformity with this chapter and unless such additions or alterations contain not more than eight mobile home sites for each gross acre of land.

(3) Required setbacks and screening for mobile home park exterior boundary.

(a) All mobile home stands shall maintain the following setbacks from mobile home park boundaries facing public streets:

State, U.S., or interstate highways	45 feet
County highways	35 feet
Township roads or city	

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and six ground anchor connections shall be provided for each mobile home equal to or exceeding 50 feet in length.

(c) All mobile home parks shall be provided with visual screening such as fences or screen planting along any boundary lines abutting nonmobile home residential areas, such boundary not being a thoroughfare.

(e) Each mobile home site shall be provided with an outdoor living

(4) Required recreation space. Not less than 8% of the gross area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be centrally located on the mobile home park site and shall be readily accessible to all mobile home occupants. Recreation facilities may include park space, play lots, swimming pools and community buildings (exclusive of laundry rooms and administrative offices.) Recreation facilities may be decentralized provided that no parcel of outdoor recreation space contains less than 6,000 square feet nor has a minimum average width of less than 30 feet.

(5) Mobile home site requirements.

(a) The boundaries of each mobile home site shall be designated in accordance with the approved plan required by division (A) above.

(b) Each mobile home shall maintain the following minimum setbacks from the boundaries of its mobile home site:

1. The minimum distance between a mobile home and its site boundary adjacent to private streets or roads shall be 15 feet.
2. The minimum distance between the entrance side of a mobile home and its site boundary shall be 20 feet.
3. All other setbacks shall be a minimum of ten feet.

(c) In no case, however, shall a mobile home site consist of an area of less than 3,200 square feet.

(d) A mobile home stand or pad shall be provided on each mobile home site of sufficient size to accommodate the mobile home to be located thereon. Mobile home stands shall be concrete slabs or runways, constructed so as not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, vibration, wind, or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum of 4,800 pounds each. Four ground anchor connections shall be provided for each mobile home of less than 50 feet in length

space to supplement the interior living space of the mobile home. This outdoor living space must be paved, or constructed of masonry or concrete slabs or blocks placed sufficiently close together to create a single usable surface. The area of the outdoor living space shall be a minimum of 160 square feet with one dimension being a minimum of eight feet.

All dimensions are exclusive of parking areas.

(f) The space between the mobile home stand and the floor of the mobile home shall be enclosed with noncombustible skirting.

(g) A minimum of two off-street parking spaces shall be provided for each mobile home site. One of these parking spaces may be provided off the site provided such parking space is not located more than 200 feet from the mobile home site served.

(6) Street requirements.

(a) All mobile home parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.

(b) Public street dedications within or abutting mobile home parks shall be made in accordance with the subdivision regulations. No mobile home shall have direct access onto a dedicated public street.

(c) Entrance drives into mobile home parks shall have direct access to a public street and shall be designed to have free traffic flow onto such public streets. No parking or mobile home lot access driveway shall be permitted off an entrance for a distance of 50 feet from a public right-of-way.

(d) The internal private street system serving mobile home sites shall provide convenient circulation by means of minor private streets and properly located collector minor streets. Cul-de-sac private streets shall be limited to a length of 300 feet.

(e) Minimum pavement widths for private streets shall be as follows:

<u>Private Streets</u>	<u>Minimum Widths</u>
Collector streets	30 feet
Minor streets	24 feet
Cul-de-sac streets	24 feet

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70 Public Health shall be met.

(2) Sewage systems.

(f) With respect to paving materials, curbs and gutters, grading, intersections, off sets, and radii of curvature, the provisions of chapter 154 shall apply to private streets.

(a) Connection shall be made to the public sewage collection and

(g) Parking spaces perpendicular to private streets shall not be located within the required pavement width. Parallel parking on one side of a minor street is permitted provided the required 24 feet of pavement remains unobstructed for travel.

(7) Street lighting.

(a) Street lighting shall be designed to produce a minimum of 0.1 footcandle throughout the street system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of streets abutting service buildings and recreation areas shall be illuminated with a minimum of 0.3 footcandle.

(b) All gas or electric service to the street lighting system shall be located underground.

(8) Pedestrian walkways.

(a) Common walks are required at locations where heavy pedestrian traffic is likely to occur such as entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible.

(b) Individual and common walks shall be paved or constructed of masonry or concrete blocks or slabs placed sufficiently close together to create a uniform surface for accessibility by the handicapped. Individual walks shall not be less than two feet in width. Common walks shall not be less than 3-1/2 feet in width.

(c) No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

(C) Utilities and required services.

(1) Water supply and distribution system.

(a) Connection shall be made to public water supply and its supply used exclusively.

(b) All applicable minimum requirements of the State Department of

sites in mobile home parks shall be underground.

treatment system. All sewage and water carried waste shall be carried into such public system.

(6) Fire protection.

(b) All applicable minimum requirements of the State Department of Public Health shall be met.

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(3) Solid waste disposal.

(a) All refuse shall be stored in watertight containers located on each mobile home site or within 150 feet thereof.

(b) Refuse shall be collected regularly and transported to a disposal site in compliance with state law. Incineration of any refuse or vegetation within a mobile home park is prohibited.

(c) All applicable minimum requirements of the State Department of Public Health shall be met.

(4) Electrical distribution system.

(a) Electrical installations in mobile home parks including site feeder circuits and additional secondary receptacles shall conform to the National Electrical Code, latest edition.

(b) The electrical distribution system in all mobile home parks shall be underground.

(c) The total load for a mobile home park shall be calculated on the basis of 16,000 watts per mobile home site. The minimum allowable demand factors which may be used in calculating load on feeders and service are as follows:

<u>Number of Mobile Home Sites Served</u>	<u>Demand Factor (Percent)</u>
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

(5) Telephone service and television systems.

(a) All telephone service to mobile homes in mobile home parks shall be underground.

(b) Distribution of master television antenna service to mobile home

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(4) Lot area. Every lot in the D-3 District on which a mobile home is situated

(a) Mobile home parks shall be kept free of all litter, rubbish, or other accumulated flammable materials.

(b) Fire hydrants shall be located throughout the mobile home park and shall be located not more than 500 feet from any mobile home. The hydrants shall deliver a minimum of 75 gallons of water per minute at a pressure of 20 pounds per square inch at the highest elevation point of the mobile home park.

(c) Fire extinguishers shall be provided in accordance with the State Department of Public Health requirements.

(d) Service buildings and other community facilities. All mobile home parks shall provide the following community facilities.

1. A management office;
2. Management and maintenance storage facilities; and
3. Other facilities as may be required. (Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.119 MOBILE HOMES ON INDIVIDUAL LOTS.

The following regulations shall apply to mobile homes on individual lots in the D-3, Mobile Home Dwelling District. Regulations for mobile homes in mobile home parks are provided in § 156.118 and regulations for all other uses in the D-3 District are provided in §§ 156.100 through 156.108.

(A) Areas. No mobile home shall be situated and maintained on an individual lot in the D-3, Mobile Home Dwelling District unless the following yards and lot areas are provided and maintained in connection with such mobile home. Mobile homes may not be stored on any lot except in the Mobile Home District.

(1) Front yard (setback). There shall be a front yard (setback) not less than 25 feet from the boundary of the lot along the public right-of-way.

(2) Side yards shall be not less than eight feet from lot lines abutting vacant lots or lots occupied by other mobile homes, and shall be not less than ten feet from lot lines abutting lots occupied by any other use.

(3) Rear yard. There shall be a rear yard of not less than 20 feet.

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(3) The regional flood can be most accurately predicted by a detailed engineering study. When such a study has

and maintained shall have a minimum area of 5,000 square feet.

(5) Lot coverage. Not more than 30% of the area of any lot in the D-3 District shall be occupied by a mobile home and any accessory building or structure.

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(B) Number of mobile homes per lot. No lot in the D-3 District shall be occupied, at any one time, by more than one mobile home.

(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

SUPPLEMENTARY DISTRICT REGULATIONS

§ 156.125 FP FLOODPLAIN DISTRICT.

The intent and purpose of the FP, Floodplain District is found in § 156.084(J).

(A) All uses. Refer to § 156.092 for a listing of permitted and special uses in the Floodplain District. Those uses which are listed as permitted do not significantly obstruct flood flows and shall be permitted in the FP District to the extent that they are not prohibited by any other ordinance, or any other section of this chapter, and provided that they do not adversely affect the capacity of the channel or floodway of any stream, drainage ditch, or tributary thereof, or any other drainage facility or system.

(1) Development standards and requirements for all uses. The first floor or basement floor of any building or structure, including residences, to be erected, constructed, reconstructed, altered, or moved on the floodplain shall be constructed on fill with the finished surface of these floors at or above a point two feet above the regional flood elevation or flood profile shown on the interim flood plain as designated by the official zoning map. The landfill itself shall be at or above a point one foot above the regional flood elevation for this area and the fill shall extend at such elevation at least ten feet beyond the limits of any building or structure erected thereon. However, no use or fill shall be constructed which will adversely affect the capacity of any channel or floodway of any stream, drainage ditch, or tributary thereof, or any other drainage facility or system.

(2) Accessory uses. Accessory uses to both permitted and special uses shall be subject to the regulations in division (A) (1) above.

not yet occurred or been completed, this chapter's protection standard will be the regional flood according to the best data available to the State Water Survey's Floodplain Information Repository. Whenever a party disagrees with the best available data he may finance the detailed engineering study needed to replace existing data with better data and submit it to the state water survey.

(4) For development proposals located in the designated interim floodplain where the floodway has not yet been identified, the following rule shall apply, the Building Inspector shall review the development plans to determine whether a new obstruction to flood flows would be created. If an obstruction may be created, the applicant shall be required to obtain a permit from the State Department of Transportation, Division of Water Resources, issued pursuant to ILCS Ch. 615, Act 5 § 23. The Building Inspector shall not issue a development permit unless the applicant has obtained either a Section 70 permit or a "waiver of permit required" from the Division of Water Resources. (Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

(B) Special uses. Refer to § 156.092 for a listing of special uses in the Floodplain District. These uses may be permitted only on application to the Plan Commission and approval by the City Council of a special use permit, as provided by §§ 156.035 through 156.042. These uses are subject to the standards and requirements as provided in the following divisions.

(1) All special uses in the Floodplain District.

(a) No structure (temporary or permanent), fill, including fill for roads and levees, deposit, obstruction, storage of materials or equipment, or other uses, may be allowed as a special use which, acting alone or in combination with existing or future uses, unduly affects the capability of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or ditch. In addition, where a use is listed as both a special use in the Floodplain District and a special use in the underlying T, D, B, or I District, the provisions set forth in §§ 156.115 through 156.119 shall also apply. A table which clarifies the relation between the Floodplain District regulations

divisions (2) through (9) of this division shall comply with the standards and requirements contained herein.

(b) The following floodproofing measures shall apply to all special uses in the Floodplain District, to the extent that they are applicable to each particular case of a special use. These floodproofing measures shall be designed at or above a point two feet above the regional flood elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Plan Commission shall require that the applicant submit a plan or document to the Building Inspector, certified by a registered professional engineer that the floodproofing measures are at a point two feet above the regional flood elevation and associated flood factors for the particular area. Required floodproofing measures may include:

1. Anchorage to resist flotation and lateral movement or addition of mass or weight to structures to resist flotation.

2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.

3. Reinforcement of walls to resist water pressure.

4. Use of paints, membranes, or mortars to reduce seepage of water through walls.

5. Installation of pumps to lower water levels in buildings and structures.

6. Construction of water and waste treatment systems so as to prevent the entrance of flood waters.

7. Pumping facilities or comparable practices for subsurface drainage systems, for buildings to relieve external foundation wall and basement pressures.

8. Construction to resist rupture or collapse caused by water pressure or floating debris.

9. Installation of valves or controls on sanitary and storm drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.

10. Location of all electrical equipment, circuits, and installed electrical appliances so as to

be protected from inundation by the regional flood.

11. Location of any structural storage facilities for chemicals, explosives, bouyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare, at a point above the regional flood elevation, or their floodproofing, so as to prevent flotation of storage containers, or damage to same, which could result in the escape of toxic or dangerous materials into flood waters or the environment.

(c) Where existing conditions make compliance with the regulations in division (A) of this subsection (those regulations covering all uses) impractical, or in other special circumstances, the Building Inspector may specify other floodproofing or building elevation measures such as those listed above in lieu of fill, provided that the first floor of the building is at or above a point two feet above the regional flood level for this area, and provided that no special use permit under this section shall be issued where the ground adjoining a building or structure designed for human habitation is more than two feet below the regional flood elevation.

(2) Fill, dumping of materials or waste.

(a) Any fill, dumping, or similar use proposed in the Floodplain District must be shown to have some beneficial purpose with regard to the intent of the Floodplain District, and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the Building Inspector by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill.

(b) Such fill shall be protected against erosion during flooding by rip-rap, vegetative cover, or bulkheading.

(3) Buildings and structures.

(a) Buildings and structures shall be constructed so as to have a low flood damage potential.

(b) Buildings and structures shall be placed on the site so as to offer the minimum obstruction to the flow of flood waters:

1. Wherever possible, buildings and structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow.

facilities, railroad tracks, and bridges within the Floodplain District shall be designed to minimize increases in flood elevations. Protection to the regional

2. Wherever practicable, buildings and structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(c) Buildings and structures shall be firmly anchored to prevent flotation which may result in damage to other buildings, structures, property, or people.

(d) Service facilities such as electrical and heating equipment shall be constructed at or above a point two feet above the regional flood elevation for this area or floodproofed to the same level in accordance with division (B) (1) (b) hereof.

(4) Storage and processing of materials and equipment.

(a) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited unless storage and processing of materials are at or above a point two feet above the regional flood elevation for this area, or floodproofed to the same level in compliance with division (B) (1) (b).

(b) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(5) Garbage and solid waste disposal.

(a) No special use permits shall be issued for garbage and waste disposal sites in the Floodplain District.

(b) There shall be no further encroachment on the floodplain at existing garbage or waste disposal sites.

(6) Commercial, manufacturing, and industrial uses. Commercial, manufacturing, and industrial buildings, structures, and additional works shall be constructed on fill with no first floor or basement floor below a point two feet above the regional flood elevation, or shall be floodproofed in accordance with division (B) (1) (b) hereof to two feet above the regional flood elevation. Measures shall be taken to minimize interference with normal plant operations.

(7) Utilities, railroad tracks, streets, and bridges. New public utility

this chapter, or any administrative decision lawfully made thereunder. (Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

flood elevations shall be provided where failure or interruption of these facilities would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.

(8) Water and waste treatment plants or systems.

(a) New construction of, or additions and modifications to existing treatment plants shall be floodproofed in accordance with the provisions of division (B) (1) (b) hereof to a point two feet above the regional flood elevation.

(b) Water or sewer systems shall be installed at elevations in accordance with the first floor and basement floor elevations required in division (A) hereof.

(9) Flood control works. Flood control works shall require a special use permit and shall comply with applicable state statutes.

(C) Rules for interpretation.

(1) Removal of lands from the Floodplain District. Compliance with the provisions of this chapter shall not be grounds for the removal of lands from the Floodplain District unless such lands are filled to a height of at least two feet above the elevation of the regional flood for this area and are contiguous for a significant distance to other lands outside of the Floodplain District and unless such filled lands lie at a significant distance from the channel or floodway of a stream or ditch. Removal of lands from the Floodplain District is a zoning map change and must be done in accordance with the procedure set forth in §§ 156.065 through 156.071.

(2) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions, or the flood height may be increased by man-made or natural causes. This chapter does not imply that areas outside the Floodplain District will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on

## NONCONFORMITIES

§ 156.130 INTENT.

Within the zoning districts established by this chapter, or amendments that may later be adopted, there exist lots, uses of land, buildings, structures, and combinations thereof which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district, except in certain instances in which the non-conformity relates only to set-back requirements, as described in § 156.131(H).  
(Ord. 80-0-24, passed 1-12-81; Am. Ord. 00-0-1, passed 2-14-00) Penalty, see § 156.999

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§ 156.131 NONCONFORMING LOTS, USES, BUILDINGS, AND STRUCTURES.

Lawful nonconforming uses of land, buildings, structures, or combinations thereof may continue subject to the following conditions and specifications:

(A) A nonconforming use of land (outside a building) shall be made to conform to the provisions of this chapter within a period of two years after adoption of this chapter.

(B) Any nonconforming use of land, building, or structure which has ceased by discontinuance or abandonment for a period of one year shall thereafter conform to the provisions of this chapter.

(C) Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God, or by a public enemy to the extent of 50% or more of its replacement value shall not be reconstructed except in conformity with the provisions of this chapter.

(D) Any nonconforming signs or billboards shall be removed in accordance with §§ 157.115 through 157.117. All billboards shall be considered nonconforming.

(E) No nonconforming use shall be moved in whole or in part to any portion of the

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work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.

(F) Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall there-after conform to the regulations for the district in which it is located after it is moved.

(G) The use of a nonconforming structure or building may be changed only to a use conforming to the district in which the property is located.

(H) No nonconforming building shall be enlarged or structurally altered except:

(1) To make it a conforming building; or

(2) In the instance that the non-conformity relates only to set-back requirements and like non-conformities commonly exist elsewhere within the same block or neighborhood, but in all instances, the enlargement or structural alteration shall itself be consistent with code requirements. A nonconforming use of a building existing at the time of the adoption of this chapter, or an amendment thereto, may be extended throughout the building provided that no structural alterations, except those required by ordinance or law, are made therein, and provided that approval is granted by the Zoning Board of Appeals.

(Ord. 80-0-24, passed 1-12-81; Am. Ord. 00-0-1, passed 2-14-00) Penalty, see § 156.999

§ 156.132 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plan, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and on which actual building construction has been carried out diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

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

§ 156.133 REPAIRS AND MAINTENANCE.

On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use,

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in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, on order of such official. (Ord. 80-0-24, passed 1-12-81)

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§ 156.134 USES UNDER SPECIAL USE PROVISIONS.

Any use which exists at the time of adoption or amendment of this chapter and which is a special use in the district in which it is located under the terms of this chapter, shall not be deemed a nonconforming use, but shall without further action be considered a conforming use. In such cases, no special use permit shall be required. Nothing in this section shall, however, preclude the possibility that, although the use may be considered conforming, the building, structure, or lot where the use is located is still nonconforming. (Ord. 80-0-24, passed 1-12-81)

OFF-STREET PARKING

AND LOADING

§ 156.140 PURPOSE.

The purpose of this subchapter is to alleviate or prevent the congestion of the public streets, and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading of motor vehicles in accordance with the use to which property is put. (Ord. 80-0-24, passed 1-12-81)

§ 156.141 GENERAL REQUIREMENTS.

(A) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.

(B) The provisions of this sub-chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this chapter.

(C) Whenever a building or structure constructed after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase

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76 to storm sewer inlets, which shall be located within parking areas.  
(Ord. 80-0-24, passed 1-12-81)

Whenever a building or structure existing prior to the effective date of this chapter is enlarged to the extent of 50% or more in floor area, number of employees, number of housing units, seating capacity or otherwise, the building or structure shall then and thereafter comply with the full parking requirements set forth herein.  
(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.142 PARKING SPACE DIMENSIONS.

For the purpose of this section, 180 square feet of lot or floor area, which has a means of ingress or egress from an alley or street, shall be deemed parking space for one vehicle. Such space shall not occupy any part of any required front yard, but where open, may be included as part of a required open space for side or rear yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.143 LOADING SPACE REQUIREMENTS AND DIMENSIONS.

On the same lot with every building or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, or as an accessory use for dwelling purposes, there shall be provided on the lot, adequate space for motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a 10 foot by 25 foot loading space, with 15 feet height clearance, and one such space shall be provided for each 20,000 square feet or fraction thereof of a floor or lot area used for other than residential purposes.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.144 PAVING.

Such parking spaces and access driveways, required in residential districts, when used in compliance with the provisions of this chapter, shall be paved or otherwise surfaced with an all-weather, dust-proof material. That part of the driveway connecting from the curb line to the property line shall be paved with concrete or asphaltic materials.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.145 DRAINAGE.

Parking areas serving nonresidential uses of property shall be hard surfaced and graded so as to drain off all surface water

§ 156.146 MAINTENANCE.

The owner of property used for parking or loading shall maintain such area in good condition without holes and free of all dirt, trash, and other debris.  
(Ord. 80-0-24, passed 1-12-81)

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§ 156.147 LIGHTING.

Any parking lot which is intended to be used during nondaylight hours shall be properly illuminated to avoid accidents. Lights used to illuminate parking lots shall be so arranged as to reflect lighting away from adjoining premises in residential districts.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.148 SCREENING OR LANDSCAPING.

When parking areas or lots abut on adjacent residential properties, there

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shall be provided a wall or solid screen planting of appropriate shrubs to a height of not less than four feet along the entire boundary, common to both the residential and parking areas. Walls or solid screen planting to a height of not less than four feet shall also be placed along the street line where a parking lot abuts on a street which provides access to adjacent residential properties. These requirements shall not apply to corner lots or other locations where a four-foot wall or screen would materially impede vision to the detriment of the public health, safety, and welfare.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.149 DISABLED VEHICLES.

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.  
(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.150 RECREATIONAL VEHICLES.

(A) No recreational vehicle, watercraft, or commercial vehicle shall be parked for a continuous period of more than 72 hours, as hereinafter defined, off street, upon a private lot or lots, as the case may be, except in the following situations:

(1) In the back yard or side yards, provided that no part of the recreational vehicle extends into the front setback as provided by the city zoning code for the lot or lots, as the case may be, in question.

(2) Upon any driveway, as hereinafter defined, provided that no part of the recreational vehicle extends beyond the front edge of the front yard setback, the front edge being the portion where the setback abuts with the city right-of-way.

(3) Inside of a garage or other structure.

(B) Definitions.

"COMMERCIAL VEHICLES." Includes, but is not limited to, semi-tractor and trailers, off-road construction vehicles and equipment, such as backhoes, tractors, and end loaders, trailers used in the pursuit of a commercial enterprise, and any other wheeled vehicle with a gross vehicle weight in excess of 12,000 and used primarily in the pursuit of a commercial enterprise.

"CONTINUOUS PERIOD." The 72-hour

continuous period referenced to in division  
(A) of this section, shall include, for

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purpose of this chapter, not only a continuous, uninterrupted physical presence upon a private lot or lots, as the case may be, but also any subsequent periods of physical presence, where the two or more incidents of physical presence occur within one hour, or less.

"DRIVEWAY." "DRIVEWAYS" may be located as provided in the zoning code and as allowed by building permits and special use permits and variances, as the case may be, and they shall be paved or otherwise surfaced with an all-weather, dustproof material. Further, that part of the driveway connecting with the curb line or edge of the public road surface, to the property line, shall be paved with concrete or asphaltic materials. Further, only that portion of the paved surface which leads directly to a garage, carport, or side-yard, and which is perpendicular to the adjacent roadway shall be considered a "DRIVEWAY."

"RECREATIONAL VEHICLES." Includes, but is not limited to, camper trailers, motor homes, "piggy back," or pick-up truck bed campers, vendor trailers, storage or utility trailers, off-road vehicles, or any other wheeled vehicle, whether motorized or trailer-mounted, intended for use in the pursuit of a hobby or avocation.

"WATERCRAFT." Includes, but is not limited to, motor boats, sail boats, canoes, pontoon boats, house boats, personal watercraft or so-called "jet-skis," or any other type of boat or ship, including its trailer, if any.  
(Ord. 80-0-24, passed 1-12-81; Am. Ord. 2001-0-18, passed 11-12-01; Am. Ord. 2009-0-11, passed 6-22-09)

§ 156.151 MINIMUM DISTANCE AND SETBACKS.

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.  
(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.152 JOINT USE OF PARKING FACILITIES.

The joint use of parking facilities may be permitted in cases where parking demands occur on different days of the week or during

different hours, provided that parking spaces will be available for each use in accordance with the above standards, and that the owners agree in writing that

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any subsequent sale or division of the property or change in the use thereof will not interfere with the joint use of the parking facilities.

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

§ 156.153 WHEEL BLOCKS.

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

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

§ 156.154 WIDTH OF DRIVEWAY AISLES.

Driveways serving individual parking spaces shall be not less than:

(A) Parallel parking, 12 feet one-way, 18 feet two-way;

(B) 30 degree parking, 16 feet one-way, 18 feet two-way;

(C) 45 degree parking, 13 feet one-way, 18 feet two-way;

(D) 60 degree parking, 16 feet one-way, 18 feet two-way;

(E) 90 degree parking, 23 feet for both one- and two-way aisles.

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

§ 156.155 ACCESS.

Any parking lot shall be designed in such a manner that any vehicle leaving or entering the parking lot from or into a public or private street shall be traveling in a forward motion. Access driveways for parking lots or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

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

§ 156.156 WIDTH OF ACCESS DRIVEWAY.

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards. For one-way traffic the minimum width shall be 14 feet except for 45 degree parking, in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 24 feet. Parking areas having more than one aisle or driveway shall

have directional signs or markings in each aisle or driveway.  
(Ord. 80-0-24, passed 1-12-81)

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§ 156.157 PARKING PLAN.

A plan of parking facilities shall accompany each application for a building permit or occupancy permit. The completion of the improvements for parking according to such plan shall be a prerequisite for the validity of the permits.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.158 PARKING SPACE REQUIREMENTS.

<u>Type of Use</u>	<u>Parking Spaces Required</u>
Single-family dwellings	Two for each dwelling unit.
Two- and Multi-family dwellings	Two for each dwelling unit 1 - 12. One and three-quarters for each dwelling unit 13 - 24. One and one-half for each dwelling unit 25 and over. Except that, if 45 or more parking spaces are required, 25% of the required spaces may be satisfied with on-street parking (city right-of-way) if available; provided that such parking encroaches upon no more than one front yard setback, that the spaces are angle or straight parking, and not parallel, and that they are paved and drained in accordance with city drainage requirements.
Business use	One for each 300 square feet of floor area.
Hotels, rooming houses, clubs, and fraternal homes	One for every two guests or sleeping rooms.
Hospitals	One for every two hospital beds plus one for each employee during the maximum work shift.
Tourist homes	One for each transient sleeping room offered for tourist accommodation (in addition to number required for permanent resident

<u>Type of Use</u>	<u>Parking Spaces Required</u>
Tourist courts and motels	One for each lodging unit.
Churches, auditoriums, gymnasiums, stadiums, theaters, and other places of public or private assembly with fixed seats	One for each five seats or bench seating spaces, based on maximum seating capacity.*
Dance halls, bowling alleys, and private clubs	One for each 200 square feet of floor area to be provided on premises or within 300 feet of the entrance.
Funeral homes	One for each five seats in a chapel or parlor plus one space for each vehicle maintained on the premises.
Stores and other retail establishments where such uses are permitted, except in the B-3, Central Business District	One for each 300 square feet of store space, to be provided on the premises or within 200 feet of the entrances and off of the street, except that restaurants or establishments whose primary use is to serve meals and refreshments to patrons shall provide one parking space for each 100 square feet of floor space in the building.
Wholesale and distributing establishments including telephone exchanges	One for each three employees.
Manufacturing establishments	One for each five employees, based on the greatest number of employees at work at one time, to be provided on the premises or at other off-street locations within 1,000 feet of the main entrance.

\*For the purpose of this type of use, parking

spaces already provided to meet off-street parking requirements for stores, office buildings, and industrial

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establishments, or off-street parking facilities provided by the municipality lying within 250 feet of the place of public assembly as measured along the lines of public access that are not normally in use between the hours of 6:00 p.m. and midnight, and are made available for other parking, may be used to meet up to 75% of the total requirements of parking spaces for places of public assembly.

(Ord. 80-0-24, passed 1-12-81; Am. Ord. 95-0-6, passed 7-10-95; Am. Ord. 2007-0-10, passed 7-23-07)

§ 156.159 SPECIAL PERMITS.

The Board of Appeals may authorize a special permit to allow a parking lot in a Dwelling District for the purpose of meeting the requirements of this section subject to the following limitations:

(A) Public notice must be given and a public hearing held by the Board on the request for a special permit in the same manner in which the notice is given and such hearing is held on a request for a variance.

(B) Notice must be given by registered mail to all owners of property lying within 250 feet of the land for which the special permit is sought.

(C) A special permit shall not be granted unless the application shows and warrants that in the proposed development of the parking area, that front and side yard requirements will be met and maintained.  
(Ord. 80-0-24, passed 1-12-81)

§ 156.998 VIOLATIONS.

Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this chapter, shall constitute an offense punishable as provided in this code.

(Ord. 80-0-24, passed 1-12-81) Penalty, see § 156.999

§ 156.999 PENALTY.

(A) Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this chapter shall be fined not less than \$25 nor more than \$2,000 for each offense. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder,

contractor, agent, or other person who  
commits, participates in, assists in, or  
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maintains such violation may each be found  
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guilty of a separate offense and suffer the  
penalties herein provided. Nothing herein  
contained shall prevent the city from  
taking such other lawful action as is  
necessary to prevent or remedy any  
violation.  
(Ord. 80-0-24, passed 1-12-81)

(B) Violation of § 156.150 is  
punishable by a fine of not less than \$25  
nor more than \$500, with each day's  
violation constituting a separate offense.  
(Ord. 2001-0-18, passed 11-12-01)

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APPENDIX:

Section

1. Types of lots
2. Classification of thoroughfare system
3. Roof types and building height
4. Basement and story
5. Floodplain terms
6. Request for variation
7. Request for special use
8. Notice to applicant (variation)
9. Notice to applicant (special use)
10. Notice of public hearing (Owner)
11. Notice of public hearing (Newspaper)

§ 1 TYPE OF LOTS.

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

§ 2

TUSCOLA - APPENDIX:

DIAGRAMS AND SAMPLE FORMS

§ 2 CLASSIFICATION OF THE THOROUGHFARE SYSTEM.

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

DIAGRAMS AND SAMPLE FORMS

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TUSCOLA - APPENDIX:

§ 3 ROOF TYPES AND BUILDING HEIGHT.

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

DIAGRAMS AND SAMPLE FORMS

§ 3

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TUSCOLA - APPENDIX:

§ 4 BASEMENT AND STORY.

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

DIAGRAMS AND SAMPLE FORMS

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TUSCOLA - APPENDIX:

§ 5 FLOODPLAIN TERMS.

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

DIAGRAMS AND SAMPLE FORMS

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TUSCOLA - APPENDIX: DIAGRAMS AND SAMPLE FORMS

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§ 6 REQUEST FOR VARIATION.

Fee Received \_\_\_\_\_

Variation Request No.

Receipt No. \_\_\_\_\_

Date

CITY OF TUSCOLA

REQUEST FOR VARIATION

(Execute in Triplicate)

Notice to Applicant:

All blanks must be filled in, in entirety. Print or type. An incomplete or an illegible Request for Variation will not be accepted.

Decisions regarding a variation may require up to 90 days after the conclusion of the public hearing. Read attached pages carefully.

DO NOT WRITE IN THIS SPACE -- FOR OFFICE USE

ONLY

Date of Request \_\_\_\_\_

Date of Hearing

Date of Published Notice \_\_\_\_\_

Newspaper(s)

Date Adjacent Property Owners Notified

Comments:

Action Taken by Board: Variation

Granted

Variation

Denied

Dismissal  
Continuance

Data on Applicant and Owner

\_\_\_\_\_ Name \_\_\_\_\_ Mailing Address \_\_\_\_\_ Zip Code \_\_\_\_\_ Tel. No.

Applicant

Owner

LOCATION OF PROPERTY IN QUESTION

(location) \_\_\_\_\_ Zoning District  
(No.) (Street)

Between \_\_\_\_\_ and \_\_\_\_\_  
(cross street) (cross street)

Present Use

DESCRIPTION OF PROPERTY

Width of Lot \_\_\_\_\_ Length of Lot \_\_\_\_\_

Total Square Feet

Proposed Use

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TUSCOLA - APPENDIX: DIAGRAMS AND SAMPLE FORMS

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(Variation Cont'd)

ACTIONS BY APPLICANT ON PROPERTY

Permit Applied For \_\_\_\_\_ Yes \_\_\_\_\_ No

Permit Denied \_\_\_\_\_ Yes \_\_\_\_\_ No Permit No. \_\_\_\_\_

\_\_\_\_\_ An appeal was made with respect to this property?

\_\_\_\_\_ An appeal was not made with respect to this property?

Appeal Application No. \_\_\_\_\_ Appeal Denied \_\_\_\_\_

\_\_\_\_\_ Appeal Application accompanies this Request for Variation.

REASONS FOR REQUEST FOR VARIATION

NOTE: The following questions must be answered completely. If additional space is needed, attach extra pages to application.

Before answering, read the NOTICE TO APPLICANTS attached hereon.

1. What characteristics of your property prevent its being used for any of the uses

permitted in your zone?

Too narrow \_\_\_\_\_ Elevation \_\_\_\_\_ Soil  
Too small \_\_\_\_\_ Slope \_\_\_\_\_ Subsurface  
Too shallow \_\_\_\_\_ Shape \_\_\_\_\_ Other  
(specify)

2. Describe the items checked, giving dimensions where appropriate.
  
3. How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance?
  
4. To the best of your knowledge, was the hardship described above created by an action of anyone having property interests in the land after the Zoning Ordinance or application part thereof became law?

Yes \_\_\_\_\_ No \_\_\_\_\_. If "Yes", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variations).

5. Are the conditions on your property the result of other man-made changes (such as the relocation of a road or highway)?  
Yes \_\_\_\_\_ No \_\_\_\_\_. If so, describe.

(Variation Cont'd)

6. Which of the following types of modifications will allow you a reasonable use of your land?  
  
\_\_\_\_\_ Change in set-back requirement  
\_\_\_\_\_ Change in side-yard requirement  
\_\_\_\_\_ Change in area requirement  
\_\_\_\_\_ Change in lot-coverage requirement  
\_\_\_\_\_ Change in off-street parking requirement  
Other (describe)
  
7. State what the variation requested is, giving exact distances.

8. Are the conditions of hardship for which you request a variation true only to your property? \_\_\_\_\_ If not, how many other properties are similarly affected?

9. Will the granting of a variation in the form required be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

Elaborate.

(attach extra pages as required)

NAMES OF SURROUNDING PROPERTY OWNERS

Following are the names and addresses of surrounding property owners from the property in question for a distance of two hundred fifty (250) feet in all directions, and the number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250 feet requirement. Said names are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) as appear from the authentic tax records of this County.

NAME	ADDRESS
------	---------

I (we) certify that all of the above statements and the statements contained in any papers or plan submitted herewith are true to the best of my (our) knowledge and belief.

(signature)	Applicant	(date)
-------------	-----------	--------

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

§ 7 REQUEST FOR SPECIAL USE.

Fee received _____	Special Use No. _____
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Receipt No. _____	Date _____
-------------------	------------

REQUEST FOR SPECIAL USE

Notice to Applicant:

All blanks must be filled in, in entirety. Print or type.

Decisions regarding a special use may require up to 30 days



DESCRIPTION OF PROPERTY

Width of Lot \_\_\_\_\_

Length of Lot

Total Square Feet

Proposed Use

REASONS FOR REQUEST FOR SPECIAL USE

NOTE: The following questions must be answered completely. If additional space is needed, attach extra pages to application.

1. Describe in detail the proposed use.

2. \_\_\_\_\_ Yes \_\_\_\_\_ No Are there other sites for the proposed use? Explain.

3. \_\_\_\_\_ Yes \_\_\_\_\_ No Is the proposed use contrary to the established land use pattern?

4. \_\_\_\_\_ Yes \_\_\_\_\_ No Would the proposed use contribute to dangerous traffic patterns or congestion?

5. \_\_\_\_\_ Yes \_\_\_\_\_ No Is the proposed use in the Public Interest? Explain.

6. \_\_\_\_\_ Yes \_\_\_\_\_ No Will the change adversely influence living conditions in the vicinity?

7. \_\_\_\_\_ Yes \_\_\_\_\_ No Will property values in the vicinity be affected by change?

NAMES OF SURROUNDING PROPERTY OWNERS

Following are the names and addresses of surrounding property owners from the property in question for a distance of two hundred fifty (250) feet in all directions, and the number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250 feet requirement. Said names are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) as appear from the authentic tax records of this County.

NAME

ADDRESS

(Special Use Permit Cont'd)

I (we) certify that all of the above statements and the statements contained in any papers or plan submitted herewith are true to the best of my (our) knowledge and belief.

(signature) Applicant (date)

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

§ 8 NOTICE TO APPLICANT (VARIATION).

NOTICE TO APPLICANT

Procedure For Conducting a Public Hearing

1. All witnesses shall be administered the following oath:

"I, (name of witness), do solemnly swear (or affirm) that the evidence I am about to present is the truth, the whole truth, and nothing but the truth."

I. Chairman shall state the reason for the hearing.

II. Applicant shall make an opening statement and present evidence.

III. Questions from the Board.

IV. Questions from the objectors.

V. Objectors shall make an opening statement and present evidence.

VI. Questions from the Board.

VII. Questions from the Applicant.

VIII. Final statement from the Applicant.

IX. Final statement from the objectors.

X. Evidence and final statement by the Board or Staff.

2. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

3. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

4. Final decisions or recommendations shall be made within ninety (90) days from the date of the hearing.

5. A legal description of the property in question must accompany this Request for Variation.

6. The Applicant or his appointed agent must be present at the public hearing.

7. The Zoning Board of Appeals advises the Applicant to review the Tuscola Zoning Ordinance before filling out the attached Request for Variation. (Ord. 80-0-24, passed 1-12-81)

§ 9 NOTICE TO APPLICANT (SPECIAL USE).

NOTICE TO APPLICANT

Procedure For Conducting a Public Hearing

1. All witnesses shall be administered the following oath:

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I (name of witness) do solemnly swear (or affirm) that the evidence I am about to present is the truth, the whole truth, and nothing but the truth."

- I. Chairman shall state the reason for the hearing.
- II. Applicant shall make an opening statement and present evidence.
- III. Questions from the Commission.
- IV. Questions from the objectors.
- V. Objectors shall make an opening statement and present evidence.
- VI. Questions from the Commission.
- VII. Questions from the Applicant.
- VIII. Final statement from the Applicant.
- IX. Final statement from the objectors.
- X. Evidence and final statement by the Commission or Staff.

2. Final decisions or recommendations shall be made within thirty (30) days from the date of the hearing.

3. A legal description of the property in question must accompany this Request for Special Use.

4. The Applicant or his appointed agent must be present at the public hearing.

5. The Plan Commission advises the Applicant to review the Tuscola Zoning Ordinance before filling out the attached Request for Special Use. (Ord. 80-0-24, passed 1-12-81)

§ 10 NOTICE OF PUBLIC HEARING (OWNER).

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER

(name of body)

\_\_\_\_\_, Illinois

To: \_\_\_\_\_

Date:

Dear \_\_\_\_\_:

This is to inform you that the \_\_\_\_\_ will hold a public hearing on  
(name of body)  
an application for a(n) \_\_\_\_\_ on the \_\_\_\_\_ day  
(type of application)  
of \_\_\_\_\_, 19\_\_ at \_\_\_\_\_ a.m. (p.m.) at \_\_\_\_\_.  
(location)

This application, submitted by  
requests that

(Summary of application)

be granted for the property located at \_\_\_\_\_  
(general or specific location)  
\_\_\_\_\_.

(Name of Body)

(Chairman, Clerk)

In the case of public hearings held by the \_\_\_\_\_ Zoning Commission on proposed amendments the Zoning Commission will refer to the Board of County Commissioners (Board of Township Trustees) a recommendation within 30 days of the hearing. (Ord. 80-0-24, passed 1-12-81)

§ 11 NOTICE OF PUBLIC HEARING (NEWSPAPER).

NOTICE OF PUBLIC HEARING TO NEWSPAPER

(name of body)

\_\_\_\_\_, Illinois

The \_\_\_\_\_ will hold a public hearing on an application for a  
(name of body)  
proposed \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19  
(type of application)  
at \_\_\_\_\_ A.M. (P.M.) at \_\_\_\_\_.

The application, submitted by \_\_\_\_\_ requests that  
(applicant's name) (summary of application)

be granted for the property located at

(The \_\_\_\_\_ Zoning Commission will, within 30 days after the hearing, refer to the \_\_\_\_\_ Board of County Commissioners (Board of Township Trustees) a recommendation on the proposed amendment.)

(name of body)

(Chairman, Clerk)

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For Newspaper Use Only

Publish the above Notice on the following dates:

and charge to

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

