

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on May 5, 2015.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Police Chief Jeff Branson, Tourism & Arts Director Angelia Burgett, IT Director Brian Johanpeter, Public Works Superintendent (proposed) Kevin Hamilton, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting April 21, 2015 and bills and payroll for the last half of April, 2015.

Bills and Payrolls for the last half of April, 2015

General Fund

Payroll	\$	259,726.94
Bills	\$	194,804.48
Total	\$	454,531.42

Hotel Tax Administration

Payroll	\$	2,582.54
Bills	\$	25,919.12
Total	\$	28,501.66

Arts Council

Bills	\$	1,183.28
Total	\$	1,183.28

Festival Mgt Fund

Bills	\$	32.35
Total	\$	32.35

Insurance & Tort Fund

Bills	\$	52,668.93
Total	\$	52,668.93

Water Fund

Payroll	\$	29,688.98
Bills	\$	82,274.31
Total	\$	111,963.29

Sewer Fund

Payroll	\$	49,128.38
Bills	\$	114,455.50
Total	\$	163,583.88

Heath Insurance Fund

Bills		\$	124,615.00
	Total	\$	124,615.00

Motor Fuel Tax Fund

Bills		\$	1,916.51
	Total	\$	1,916.51

Mayor Gover opened the floor for comments/ discussion with no response.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

Mayor Gover opened the floor for Public comments. Mr. Scott Sweet requested the Council to amend the Zoning map to allow his property to be zoned C-3 at minimum since other lots around the area are C-3. Mrs. Cheryl Sweet stated her attendance at the Public Works Advisory Board meeting the same night did not allow her to attend the public hearing on the zoning changes. Administrator Gill stated there was no problem in making the change since the other areas were C-3. Mr. Frank Jarvis stated he did not receive notice, questioned his empty-lot property at 3121 Marshall being changed from C-4 to C-3, and the desire to have storage structures. Administrator Gill noted mini-storage structures were allowed in C-3. Mr. Jarvis was in agreement with the change. Mayor Gover stated notices were mailed to property owners.

NEW BUSINESS

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2015-5377, updating the Mattoon Zoning Ordinance and approving changes to the Official Zoning Map.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2015-5377

ORDINANCE UPDATING AND CAUSING THE PUBLICATION OF THE ZONING CODE AND MAP OF THE CITY OF MATTOON, ILLINOIS

WHEREAS, the City of Mattoon desires to update the Mattoon Zoning Code and Map; and

WHEREAS, notice of a public hearing to consider comments on the proposed zoning changes was published in the *Mattoon Journal Gazette* on April 9 and 10, 2015 and was mailed to effected properties on April 8, 2015; and

WHEREAS, the Planning Commission held a Public Hearing on zoning changes on April 28, 2015 at which hearing any land owner was given an opportunity to appear and be heard in favor of or against any of the proposed changes to the zoning code and map; and

WHEREAS, the Community Development Office has submitted a request to approve the revised Mattoon Zoning Code and Map; and

WHEREAS, after due and proposed consideration, the Mattoon City Council has deemed it to be in the best interest of the City of Mattoon to approve the updated Mattoon Zoning Code and Map.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Chapter 159, Section 159.01 through Section 159.53 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

CHAPTER 159: ZONING

§ 159.01 TITLE.

This chapter shall be known and may be cited as the Zoning Ordinance of the City of Mattoon, Ordinance No. 2015-5377.

§ 159.02 INTENT AND PURPOSE.

(A) This chapter is adopted for the following purposes:

- (1) Promoting the public health, safety, comfort, morals, convenience and general welfare;
- (2) Securing adequate natural light, pure air, and safety from fire and other dangers;
- (3) Conserving the taxable value of land and buildings;
- (4) Providing for the orderly and functional arrangement of land and buildings;
- (5) Establishing standards for the orderly development or redevelopment of neighborhoods, communities and regions, or parts thereof;
- (6) Securing, for the public, adequate locations for housing, employment, shopping, education, and recreation;
- (7) Facilitating the adequate provision of transportation, water, sewer, schools, parks and other public requirements;
- (8) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (9) Lessening or avoiding congestion in the public streets and highways;
- (10) Preserving and enhancing aesthetic values throughout the city.

(B) To these ends, this chapter is intended to establish and accomplish certain standards and objectives to assure the orderly growth in the developed and undeveloped areas of Mattoon, including residential, business, commercial, industrial, agricultural, and complementary developments by providing that:

- (1) Existing residential areas designated for expansion of residential development be suitably located in relationship to business, commercial and industrial areas, and be protected against intrusion which will interfere with decent living conditions;
- (2) Existing business and commercial areas be protected against the encroachment of inconsistent uses (i.e., that commercial areas be used for the proper development of the necessary businesses and commercial establishments), and that adequate space be provided for off-street parking of vehicles of customers using the business and commercial areas;
- (3) Existing industrial areas be given adequate protection; additional land be designated and regulated for future manufacturing development so that present industry may expand, and that a wide range of sites for new industry be provided, having access to transportation facilities and other features, enabling industry in the city to compete successfully with industry elsewhere in the world and without undue costs to the community;
- (4) Careful consideration be given to the use of prime farmland for urban type residential and business development, taking into account all factors that may lead to unnecessary use of such land when satisfactory alternatives are readily available. For the purpose of this chapter, the definition of "prime farmland" shall be used as

defined by the U.S. Department of Agriculture. Which is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. As The U.S. Department of Agriculture revises and updates its definition of prime farmland, their most current and up-to-date definition shall also apply to this chapter.

(5) Land, woodland, rivers, streams and underground deposits of mineral resources be given adequate protection so that these natural resources will be preserved for future use;

(6) Where possible, the uses of land and buildings should be related to the existing and planned land uses in agreement with the needs and plans of the community;

(7) The uses of land and structures within the community be so related as to provide effectiveness and economy in government.

§ 159.03 RULES.

In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(A) Words used in the present tense shall include the future; words in the singular number shall include the plural and the plural the singular, where the context requires.

(B) The word "shall" is mandatory and not discretionary.

(C) The word "may" is permissive.

(D) The word "lot" shall include the words "piece," "parcel," and "tract;" and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(E) All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or less the integral foot next below shall be taken.

(F) Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary and Black's Law Dictionary.

(G) The words and terms set forth herein under "Definitions" (§ 159.04) wherever they occur in this chapter, shall be interpreted as herein defined.

§ 159.04 DEFINITIONS.

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

ABANDONMENT. Abandonment. An action to give up one's rights or interests in property.

ABUTS, ABUTTING. To have a common property line or district line.

ACCESSORY BUILDING/STRUCTURE AND/OR USE. An "accessory building" is one which:

(1) * Is subordinate to the ground floor area of and serves a principal building or principal use;

(2) Is subordinate in extent or purpose to the principal building or principal use served;

(3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;

(4) Some examples of **ACCESSORY BUILDING/STRUCTURES AND/OR USE** for residential districts are divisions (a) through (i) below; and for nonresidential districts, divisions (f) through (k):

- (a) A children's playhouse, garden house and private greenhouse;
- (b) A garage, shed or building for domestic storage;
- (c) A non-paying guest house or rooms for guests within an "accessory building" provided such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy by others as housekeeping units;
- (d) Servant's quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupant of the principal dwelling;
- (e) Carports, above-ground decks, exterior stairways, and fences;
- (f) Off-street motor car parking areas, and loading and unloading facilities;
- (g) Portable sheds/buildings not to exceed 200 square feet in size.
- (h) Public utilities: telephone, electric, gas, water and sewer lines, their supports and incidental equipment;
- (i) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
- (j) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
- (k) Signs as permitted and regulated in each district incorporated in this chapter.

* 125% of the ground floor area may be calculated on structures with two or more habitable levels above grade.

ALLEY. A public thoroughfare, not over 20 feet in width, which affords only secondary means of access to abutting property.

APARTMENT. See "Dwelling-Multiple."

BASEMENT. A story, wholly or partly underground.

BED AND BREAKFAST (B AND B)/TOURIST HOME. See "Tourist Home/Bed and Breakfast (B and B)."

BLOCK. Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

BLOCK, RESIDENTIAL. A block in which business or industrial uses are not permitted.

BOARD OF APPEALS, ZONING. See "Zoning Board of Appeals." The City of Mattoon Zoning Board of Appeals is established by this Ordinance, and referred to herein as the Zoning Board of Appeals.

BOARDING HOUSE. A building not open to transients, where lodging and/or meals are provided for three or more, but not over 30 persons regularly; a lodging house.

BUILDING. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, as defined by the currently adopted city building code, without opening through such walls, each portion of such a building shall be considered a separate structure.

BUILDING AREA. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces; unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

BUILDING, DETACHED. A building having no structural connection with another building on the same lot.

BUILDING, FRONT LINE OF. The line of the face of the building nearest the front lot line.

BUILDING, HEIGHT OF. The vertical distance measured from the sidewalk level, or its equivalent established grade, opposite the middle of the front of the building to the highest point of the building for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves the ridges) for gable and hip roofs. Where a building is located on a terrace, the height may be measured from the average ground level of the terrace at the front of the building. The height of accessory buildings shall be measured from the floor level, which shall not be raised more than six inches above the normal grade of the lot.

BUILDING INSPECTOR/BUILDING . The Building Inspector or Building shall be the officer charged with the administration and enforcement of this chapter.

BUILDING LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

BUILDING PRINCIPAL. A building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUSINESS. The word "business" or the word "commercial" means the engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services; and the maintenance or operation of offices, recreational or amusement enterprises for profit. This definition shall include rummage sale, as defined herein.

CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATES OF OCCUPANCY AND USE. Certificates required on all buildings stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

CLINIC OR MEDICAL-HEALTH CENTER. An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

CODE . in charge of the Building Inspection Department.

COMMERCIAL. Same as "Business."

COMMISSION. The City Planning Commission.

COTERMINOUS. Having the same or coincident boundaries; not across a street or alley.

COUNCIL. City Council is composed of the Mayor and four Commissioners.

DAY CARE CENTER. A child care facility, whether located in a family home or otherwise, which regularly provides day care for less than 24 hours per day for more than eight children with more than eight children being present at any one time.

DAY CARE HOME. See "Day Care Center."

DISTRICT. A section of the city for which uniform regulations governing the height, area, size and use of buildings and premises within said section are established. (Also see "Zoning Districts.")

DWELLING. A building or portion thereof, used primarily as a place of abode for one or more persons, but not including hotels, lodging or boarding houses or tourist homes.

DWELLING, MULTIPLE. A building, or portion thereof, used or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment hotels and group houses.

DWELLING, SINGLE FAMILY. A detached building designed for or occupied by one family exclusively.

DWELLING, TWO FAMILY. A detached building designed for or occupied by two families living independently of each other.

DWELLING UNIT. A dwelling or a portion of a dwelling, or of an apartment hotel used by one family for cooking, living or sleeping purposes.

FAMILY. One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, lodging house or club.

FRONTAGE. All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway, or other similar barrier.

GARAGE, PRIVATE. An accessory building designed to house motor vehicles of the occupants of the principal building. A garage designed to house two motor vehicles of each family housed in an apartment shall be classed as a private garage.

GARAGE, PUBLIC. Any building or premises except a private garage used for storage or care of motor vehicles or where such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

GROUND FLOOR AREA. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior and interior stairways.

GROUP HOUSE/TOWNHOUSE. A group of dwellings constructed in a row, with the dwelling units separated by vertical party walls without openings.

HALF-STORY. That portion of a building under a sloping, gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor level of such story.

HOME OCCUPATION. Any occupation carried on by a member of the family residing on the premises, in connection with non-electric signage not more than four square feet in area, that will indicate from the exterior that the building is being used in part for any other purpose than that of a dwelling; there is kept no stock in trade, no commodity is sold on the premises; no person is employed other than a member of the family residing on the premises; and no mechanical equipment is used except such as is permissible for domestic, household, or office purposes. Off street parking is available for all vehicles relating to the resident and occupation uses. A permit may be issued if the above requirements are met and approved by the Building/Code and City Council.

HOTEL/MOTEL. A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or tourist home bed and breakfast.

INDUSTRIAL PARK. A tract of land containing not less than the area specified for this purpose in this chapter, which is designed to accommodate two or more industrial uses in accordance with a plan of development which presents a unified and organized arrangement of building areas, service facilities and related improvements, such as open spaced and planting areas, all of which have a functional relationship to the proposed use and will be in harmony with the use of land immediately adjacent to the tract.

INDUSTRIAL USE. See "Manufacturing."

KENNEL. Any lot or premises on which four or more dogs, or small animals, at least four months of age, are kept.

LOADING AND UNLOADING BERTHS. The off- street area required for the receipt car distribution by vehicles of material or merchandise which in this chapter is held to be a 12-foot by 65-foot loading space with a 14-foot height clearance.

LOT. A parcel of land occupied or to be occupied by one building and any accessory buildings or uses authorized in connection therewith, including such open spaces as are required by this chapter, and such open spaces as are arranged or designed to be used in connection with such building. It may be a single parcel separately described in a deed or plat which is filed in the office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining the lot area and boundary lines no part thereof within the limits of a street shall be included.

LOT AREA. The area of a horizontal plane bounded by the front side and rear lines of a lot.

LOT, CORNER. A lot situated at the intersection of two streets. Front yard setbacks shall apply to both fronts.

LOT COVERAGE. The percentage of the lot area covered by the building area.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

LOT, GROUND LEVEL. The elevation above sea level obtained by averaging the highest and lowest points on the lot or building area.

LOT, INTERIOR. A lot other than a corner lot or a through lot.

LOT LINE, FRONT. A line separating the lot from a street.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line, and, in the case of an irregular or triangular-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front line or a rear line.

LOT OF RECORD. An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to a statute.

LOT, THROUGH. A lot having frontage on two streets at opposite ends of the lot.

LOT WIDTH. The dimension of a lot, measured between side lot lines on the building line.

MANUFACTURE. The making of anything by any agency or process.

MANUFACTURED HOUSING. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

MANUFACTURING ESTABLISHMENT. An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products.

MOBILE HOME. A mobile unit designed and constructed for dwelling purposes which contains cooking, sanitary and electrical facilities and has a gross floor area of 220 square feet or more.

MOBILE HOME PARK. A lot, parcel or tract of land developed with facilities for accommodating two or more mobile homes, only by non-transient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located in a mobile home park offered for sale by the owner or his or her representative.

NONCONFORMING USE. A building or premises that does not conform in its use or otherwise with all of the regulations applicable to the district in which such building or premises is located.

NURSERY SCHOOL. See "Day Care Center."

PARKING SPACE (OFF-STREET. ONE). A space other than a street driveway entrance, or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and 20 feet long exclusive of passageways. Parking areas shall be paved with a hard surface.

PERMIT.

(1) **BUILDING.** A permit issued before construction or remodeling.

(2) **CUT.** A permit issued prior to and allowing for the cutting of any alley, boulevard, curb, or street.

(3) **DEMOLITION.** A permit issued prior to demolition of a structure.

(4) **ELECTRICAL.** A permit issued prior to the installation, replacement, and/or extension of any structure's electrical system or part thereof.

(5) **HEATING AND AIR CONDITIONING.** A permit issued prior to the installation, replacement, and/or extension of any structure's heating and/or air conditioning system.

(6) **MOVING.** A permit issued prior to the moving of any structure.

(7) **OCCUPANCY AND USE CERTIFICATE.** A permit issued to the person, agency, or company which wishes to move into an already existing structure after the structure has been checked to insure conformance with all local and state regulations.

(8) **PLUMBING.** A permit issued prior to any plumbing work done in a structure.

(9) **SEWER.** A permit issued prior to tapping into the city sewer line.

(10) **SIGN.** A permit issued to allow any outdoor permanent sign.

(11) **WATER.** A water connection permit issued after the Water Board is satisfied that all city and state ordinances and statutes have been met.

(12) **SITE WORK.** A permit issued to allow site improvements in commercial and industrial districts.

PERSON. A corporation, firm, partnership, association, organization, or any group acting as a unit, as well as a natural person.

PLACE. An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

PRESCHOOL. See "Day Care Center."

PRIVATE SCHOOL. Private preprimary, primary, grade, high, or preparatory school or academy.

PROFESSIONAL OFFICE. Shall include the offices of doctors or practitioners, ministers, architects, engineers, landscape architects, lawyers, artists, musicians, and other professional occupations.

RUMMAGE SALE. The activity of purchasing, selling, bartering, or exchanging of used goods, wares or merchandise in RS, RI, R2, or R3 districts and which activity is:

(1) Conducted at any address for not more than four continuous days; and,

(2) Not resumed or repeated until after such initial period without at least 60 days of the absence of any such activity.

SALVAGE YARD INCLUDING AUTOMOBILE WRECKING. A lot or a part thereof used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

SERVICE STATION. Any building, structure, premises, enclosure or other place used for the dispensing, sale or offering for sale at retail of automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

SIGN. Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

SPECIAL USE. A use permitted in a district pursuant to, and in compliance with, procedures specified within this chapter. A special use permit is non-transferable.

STREET. A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

STREET LINE. The street line is the dividing line between the street right-of-way and the lot, otherwise designated as the property line.

STORY. That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it is the story.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders.

TERRACE. A natural or artificial earthen embankment between a building and its street front. The height of a terrace shall be the difference in elevation between the average sidewalk level, or its equivalent established grade opposite the middle of the front of the building, and the average elevation of the terrace at the front building wall.

TOURIST HOME/BED AND BREAKFAST (B AND B). A residence in which lodging for not more than five transient guests is provided, which has not required structural alterations, and in which the residential use has not been discontinued.

TOWNHOUSE/GROUP HOUSE. A group of dwellings constructed in a row, with the dwelling units separated by vertical party walls without openings and under one ownership.

TRADE OR BUSINESS SCHOOL. Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

UNIT DEVELOPMENT PLAN. A planned area for a self-contained residential or shopping center development, the design and layout of which is subject to the requirement standards of this chapter. (See Planned Unit Development Code, Ordinance No. 88-4581).

USE. The employment or occupation of a building, structure, parking area, or premises for a person's service, benefit or enjoyment.

USE, OPEN. The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to 5% or less of the area of the lot (i.e., outdoor, automobile sales).

VARIANCE. A modification of the specific requirements of this chapter granted by the Council in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of the privileges commonly enjoyed by other properties in the same vicinity and district. The modification may allow a change in standards or use. The petitioner shall also comply with all provisions of this chapter and any variance recommended pursuant to this chapter is not intended to excuse compliance with this chapter.

VEHICLE PARKING LOT. A paved open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

YARD. A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

YARD, FRONT. An open, unoccupied space between the front line of the building and front street line. The front line of the building shall be the line of the main wall nearest to and facing on the street, including sun parlors and enclosed porches and excluding only steps below the first floor level and entranceways, open unroofed porches and terraces, and fences and walls not more than four feet in height.

YARD, REAR. A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory buildings, the depth of which is the least distance between the rear lot line and the rear of such main building.

YARD, SIDE. An open, unoccupied space on the same lot with a building between the side line of the building and the side line of the lot and extending from the front to the rear of the principal building.

YARD SIDE ADJOINING A STREET. A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

ZONING BOARD OF APPEALS. The City of Mattoon Zoning Board of Appeals established by this chapter, and referred to herein as the Zoning Board of Appeals.

ZONING DISTRICTS. The districts into which the incorporated and unincorporated area of Mattoon has been divided for zoning regulations and requirements as set forth on the zoning district map or maps.

ZONING MAP. The map or maps incorporated into this chapter as part thereof, designating zoning districts.

ZONING . in charge of enforcing zoning regulations.

§ 159.05 GENERAL REVIEW PROCEDURES, AMENDMENTS AND CHANGES.

(A) The general review procedures are intended to establish guidelines for the review and action of the several boards and committees which have responsibilities relative to land use, development, and growth in the city zoning area. Each board, commission, individual or other agency or person involved with zoning modification shall abide by the regulations established herein. Each board, commission, individual or other agency or person may establish its own rules or procedures, which are not inconsistent herewith.

(B) At the time application is made to zone, rezone, alter or vary the use of property under the provisions of this chapter, the applicant therefore shall pay to the Clerk of this city the sums in accordance with § 35.01(E)(4).

(C) The petitioner, for zoning change, special use permit, and variance shall present his petition to the City Clerk and shall publish an notice of public hearing in the local newspaper not more than 30 days nor less than 15 days before the meeting of the Zoning Board of Appeals at which the petition is to be heard. The Public notice shall state:

- (1) Purpose of the public hearing;
- (2) Name of the petitioner;
- (3) Address of the property named in the petition (both legal description and street address);
- (4) The date, time, and place of the Zoning Board of Appeals meeting at which the public hearing will be held;
- (5) The place where the proposed amendment, supplement or change, or applicable maps will be accessible for examination by interested parties.

(D) The City Clerk shall notify and forward the pertinent information to the following agencies and individuals: The Coles County Soil and Water Conservation District, applicable Drainage District(s), the Mattoon Water Board, the Superintendent of the Mattoon Sewerage Department, the Building/Code , the Chairperson of the Mattoon Planning Commission, and the Mattoon Zoning Board of Appeals. Included with each notification shall be a copy of the review checklist, on which the City Clerk has noted the dates of receiving the petition and of forwarding the information on. The City Clerk shall request each agency notified to note on the checklist the date of receiving the information, and to return the checklist with their review comments.

(E) The Coles County Soil and Water Conservation District shall have a maximum of 15 days from the date of notification to present a review to the Mattoon Planning Commission.

(F) The Drainage District shall have a maximum of 15 days from the date of notification to present a review to the Mattoon Planning Commission.

(G) The Mattoon Water Board shall have a maximum of 15 days from the date of notification to present a review to the Mattoon Planning Commission.

(H) The Superintendent of the Mattoon Sewerage Department shall have a maximum of 15 days from the date of notification to present a review to the Mattoon Planning Commission.

(I) The Mattoon Building shall have a maximum of 15 days from the date of notification to present a review to the Mattoon Planning Commission.

(J) The Chairperson of the Mattoon Planning Commission shall have a maximum of 15 days from the date of notification to present a review to the Mattoon Planning Commission.

(K) There shall be erected on the property named in the petition, a sign or signs which during daylight hours are visible from each road which borders the petitioned area. A maximum of four signs may be placed. The signs must be placed on the property within five days after the date of notice of the public hearing. The erection of the signs, in the manner prescribed herein, shall be the responsibility of the petitioner, unless otherwise designated by the Zoning Board of Appeals. The signs shall read as follows:

A petition to modify the zoning use

of this area has been submitted.

For information, contact the City Clerk at 235-5654.

(L) The Mattoon Zoning Board of Appeals shall hold a public hearing within 30 days following the publication of notice in the newspaper. The petitioner may be represented by counsel and shall provide a stenographer who shall record all testimony at such hearing. Information and facts may be presented by the petitioner as he or she deems fit and a transcript of the public hearing shall be forwarded to the Mattoon Zoning Board of Appeals and the Mattoon Planning Commission. A sketch of the site including proposed buildings, setbacks, parking, adjacent streets, etc., shall be provided by the petitioner. Other information may be required by the Mattoon Zoning Board of Appeals. The report of this public hearing shall be forwarded to the Mattoon Planning Commission.

(M) The Mattoon Planning Commission shall consider a particular petition no sooner than 15 days after the petition has been presented to the City Clerk. The Mattoon Planning Commission shall consider the petition, the reviews and recommendations from the several review agencies and shall forward its review, including an updated review checklist, to the Mattoon Zoning Board of Appeals.

(N) The Mattoon Zoning Board of Appeals shall consider the advice of the Mattoon Planning Commission, listen to the petitioner, hear any public statements, and consider its own counsel. The Mattoon Zoning Board of Appeals shall forward its findings to the Mattoon City Council.

(O) The petitioner shall contact the City Clerk in order to place the petition on the agenda.

(P) The petitioner or his or her attorney shall have six months from the first public hearing to obtain a final decision; if no final action has been determined then the petition is denied.

(Q) The developer shall have two years from the date of final approval to begin construction of the proposed area. The developer shall obtain the necessary building, electrical, heating and air conditioning, occupancy, plumbing, use, and sewer and water connection permits as required.

(R) A petition for annexation shall follow the procedures set forth in ILCS Ch. 65, Act 5, § 7-1-1 *et seq.* All such petitions shall be submitted to the Planning Commission for fact finding prior to consideration by the City Council. The petitioner shall provide all notices to fire protection districts, library districts, township authorities, and any person or entity as may be required.

(S) Copies of all petitions filed with the City Clerk for consideration by the Zoning Board of Appeals, Planning Commission or City Council or other city shall be served upon the City Clerk, City Hall (208 N. 19th Street, Mattoon, Illinois, 61938), in addition to all other persons required to have service or notice.

(T) All ordinances, notices, and other documents shall be prepared by or on behalf of the petitioner or applicant. Copies shall be served upon the City Clerk and City Attorney at the above address for review at least five days prior to consideration by any other city employee, agent, committee, commission, board or council.

(U) All zoning changes, special use permits, variances, and annexations shall be finally determined and either granted or denied by the City Council.

§ 159.06 INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, pursuant to law, relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are required or imposed by such ordinances, rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this chapter shall control.

DISTRICT REGULATIONS

§ 159.20 DISTRICTS AND ZONE MAP.

(A) The city is hereby divided into ten districts in order to carry out the purposes stated in § [159.02](#) - Intent and Purpose of this chapter. These districts shall be known as:

RS Suburban District

RI Single-Family Residence District

R2 Two-Family Residence District

R3 Multiple-Family Residence District

CI Neighborhood Commercial District

C2 Accommodation Commercial District

C3 Service Commercial District

C4 General Commercial District

C5 Shopping Center District

I Industrial District

(B) The current zone map, which accompanies and is hereby declared to be a part of this chapter, shows the boundaries of the above districts. Notations, references, indications and other matters shown on the zone map are as much a part of this chapter as if they were fully described in the text of this chapter. In determining the boundaries of districts and establishing the regulations applicable to each district due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the city.

(C) Territory which may hereafter be annexed to the city shall immediately be zoned and shown in the zone map.

(D) The rules and regulations contained in this chapter shall apply as herein provided:

(1) No building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the district in which such building or premises is located.

(2) No building shall be erected or altered to exceed in height the limit herein established for the district in which such building is located.

(3) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces be encroached upon or reduced in any manner, except in conformity with the area and yard regulations hereby established for the district in which such building is located.

(4) Every building hereafter erected shall be located on a lot, which fronts on a street, and in no case shall more than one building and its customary accessory buildings be erected on any lot.

(5) No building shall be erected, nor shall any existing building be altered or rebuilt to provide less ground floor area in residential structures than is required by this chapter.

(6) Every building hereafter erected or altered shall provide paved off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

(E) Whenever any street, alley, or public way or railroad right-of-way is vacated by proper authority, the districts adjoining each side of such street, alley or public way or railroad right-of-way shall be automatically

extended to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

§ 159.21 USE OF BUILDINGS AND PREMISES.

It is hereby declared to be the intention of this chapter to establish the general types of uses appropriate to and permitted in each district but not to designate every specific use by name. The Zoning Board of Appeals, hereinafter established by this chapter, with the consideration and advise of the Planning Commission, is hereby authorized to determine if a use, not specifically named herein, falls within the letter and the spirit of the use regulations of the district in which it is desired to locate such use. No buildings or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used, for other than a use permitted in the district in which such building or premises is located, unless otherwise provided herein, in accordance with the following regulations in this subchapter.

§ 159.22 RS SUBURBAN DISTRICT.

(A) Single-family dwellings.

(B) Accessory building, including only domestic storage sheds, and a private garage, provided that any detached accessory building shall be located in the rear yard, as defined in the chapter, and no closer to the side street line of a corner lot than the front yard line of the adjacent lot fronting on the side street.

(C) Special uses as may be permitted in § [159.45](#) of this chapter.

(D) No business is permitted, except as specifically provided herein.

(E) Land designated as RS when annexed to the city shall be designated as RI.

§ 159.23 RI SINGLE-FAMILY RESIDENCE DISTRICT.

(A) Single-family dwelling.

(B) Accessory building, including only domestic storage sheds, and a private garage, provided that any detached accessory building shall be located in the rear yard, as defined in the chapter, and no closer to the side street line of a corner lot than the front yard line of the adjacent lot fronting on the side street.

(C) Special uses as may be permitted in § [159.45](#) of this chapter.

(D) Accessory building, including storage sheds and garages located within the setback standards of this chapter

(F) No business is permitted, except as specifically provided herein.

§ 159.24 R2 TWO-FAMILY RESIDENCE DISTRICT.

(A) Any use permitted in the RI Single-Family Residence District

(B) Two-family dwelling.

(C) Zero lot-line dwelling.

(D) Accessory building, including storage sheds and garages located within the setback standards of this chapter; however, an accessory structure is prohibited in the front yard or yards.

(E) Special uses as may be permitted in § [159.45](#) of this chapter.

(F) No business is permitted, except as specifically provided herein.

§ 159.25 R3 MULTIPLE-FAMILY RESIDENCE DISTRICT.

- (A) Any use permitted in the R2 Two-Family Residence District.
- (B) Multiple-family dwelling.
- (C) Group House/Townhouse.
- (D) Accessory building, including storage sheds and garages located within the setback standards of this chapter.
- (E) Special uses as may be permitted by § [159.45](#) of this chapter.
- (F) No business is permitted, except as specifically provided herein.
- (G) No outside storage permitted.

§ 159.26 C1 NEIGHBORHOOD COMMERCIAL DISTRICT.

- (A) Any use permitted in the R3 Multiple-Family Residence District, except zero lot-line dwellings.
- (B) Uses with associated parking identifiers in Table 1 - § [159.32](#)
 - (1) Bakery products (sales only) - retail 9 & 26
 - (2) Barber shop 10 & 26
 - (4) Beauty shop 10 & 26
 - (5) Cameras, studios, and photographic supplies - retail 9 & 26
 - (6) Candy, nuts, and confectionary - retail 9 & 26
 - (7) Cigars and cigarettes - retail 9 & 26
 - (8) Clothing and related accessories - retail 9 & 26
 - (9) Used or second-hand clothing or accessories - retail 9 & 26
 - (10) Custom tailoring 10 & 26
 - (11) Dairy products - retail 9 & 26
 - (12) Dentist office 10 & 26
 - (13) Drugs and sundries - retail 9 & 26
 - (14) Eggs and poultry retail 9 & 26
 - (15) Fish and seafoods retail 9 & 26
 - (16) Fruits and vegetables - retail 9 & 26
 - (17) Groceries (with or without meats) retail 9 & 26
 - (18) Newspapers, magazines, or books retail 9 & 26

- (19) Optical goods retail 10 & 26
- (20) Pet grooming no overnight 10 & 26
- (21) Physician office 10 & 26
- (22) Shoe repair shop 9 & 26
- (23) Stationery - retail 9 & 26
- (24) Watch, clock, and jewelry repairing 9 & 26
- (25) Any professional office (with one professional) 11 & 26

(C) Accessory building or use customarily incidental to the above uses. Any building used primarily for any of the above purposes may not have more than 40% of its floor area devoted to industrial or storage purposes incidental to such primary use, and provided that not more than five persons are employed at any one shift in connection with such incidental use.

(D) Any of the above-named uses are allowed provided the following conditions are met:

- (1) No outside storage;
- (2) A maximum of 1500 square feet of total floor area; or,
- (3) No total floor area size limitation shall apply where a block or contiguous area of 1500 square feet is 50% or more commercial use at the date of passage of this chapter.

(E) Special uses as may be permitted by § [159.45](#) of this chapter.

§ 159.27 C2 ACCOMMODATION COMMERCIAL DISTRICT.

(A) Any use permitted in C1 Neighborhood Commercial District.

(B) Uses with associated Parking Identifiers See Table 1 - § [159.32](#).

- (1) Accounting, auditing, or bookkeeping office 13 & 26
- (2) Advertising services (office only) 13 & 26
- (3) Antiques - retail 10 & 26
- (4) Automobiles and other motor vehicle sales (if entirely indoors) 16 & 26
- (5) Automotive parts and equipment sales (if entirely indoors) 10 & 26
- (6) Automobile parking - garage (under roof) 26 & 50
- (7) Banking services 13 & 26
- (8) Beverage sales (alcoholic) 10 & 26
- (9) Bicycle sales and repair 10 & 26
- (10) Billiard and game rooms 9 & 26

- (11) Blueprinting and photocopying 13 & 26
- (12) Bowling alley 37 & 26
- (13) Business offices 13 & 26
- (14) Business management and consulting services 13 & 26
- (15) China, glassware, or metalware - retail (no outdoor storage) 10 & 26
- (16) Consumer and mercantile credit reporting services 13 & 26
- (17) Credit services 13 & 26
- (18) Dental clinic 11 & 26
- (19) Dentists and physicians (multi-professional offices) 11 & 26
- (20) Detective, protective, or investigative services 13 & 26
- (21) Direct mail advertising services 13 & 26
- (22) Draperies, curtains and upholstery retail 10 & 26
- (23) Educational or scientific research (under roof) 13 & 26
- (24) Civic, social and fraternal organizations 33 & 26
- (25) Electric appliance repair (except radio and television) and sales 10 & 26
- (26) Employment services (agency) 13 & 26
- (27) Engineer/Architect's office 101 & 26
- (28) Florists - retail 16 & 26
- (29) Footwear - retail 10 & 26
- (30) Furriers and fur apparel - retail 11 & 26
- (31) Funeral home 36 & 26
- (32) Furniture or home furnishings - retail 10 & 26
- (33) Gasoline service station (only if there are no accessory open uses on the premises) 11 & 26
- (34) Gifts, novelties, and souvenirs sales - retail 10 & 26
- (35) Gymnasiums or athletic clubs 33 & 26
- (36) Holding and investment services offices 13 & 26
- (37) Hospital 31 & 26
- (38) Hotel 29 & 26
- (39) Insurance agent or broker offices 13 & 26

- (40) Labor unions (and halls) 33 & 26
- (41) Laundering and dry-cleaning establishment 47 & 26
- (42) Law offices 13 & 26
- (43) Limited price variety store - retail 10 & 26
- (44) Mail order houses - retail 13 & 26
- (45) Management services 13 & 26
- (46) Meats and meat products - retail 10 & 26
- (47) Medical clinic (out-patient services only) 11 & 26
- (48) Medical laboratory 13 & 26
- (49) Motel 29 & 26
- (50) Motion picture distribution and services 13 & 26
- (51) Municipal and governmental buildings 13 & 26
- (52) News syndicate services 13 & 26
- (53) Offices, general 34 & 26
- (54) Offset press 13 & 26
- (55) Photofinishing 10 & 26
- (56) Prepared foods (delicatessen/catering) - retail 8 & 26
- (57) Prepared yard goods - retail 10 & 26
- (58) Real estate agent, operator or broker 13 & 26
- (59) Real estate operative buildings (business office) 13 & 26
- (60) Real estate subdividing or developing services (office) 13 & 26
- (61) Recreation center (indoors) 9 & 26
- (62) Reducing salon 11 & 26
- (63) Restaurant 5 & 26
- (64) Restaurant (drive-in) 1 & 26
- (65) Restaurant, self-service (cafeteria) 3 & 26
- (66) Second-hand merchandise (general) - retail 10 & 26
- (67) Security brokers or dealers 13 & 26
- (68) Security and commodity exchanges 13 & 26

- (69) Shoe repair or shoe shining 10 & 26
- (70) Sporting goods - retail 10 & 26
- (71) Stenographic services 13 & 26
- (72) Title abstracting services 13 & 26
- (73) Trading stamp redemption store - retail 10 & 26
- (74) Travel service 13 & 26
- (75) Welfare and charitable services 12 & 26

(C) Accessory building or use customarily incidental to the above uses. Any building used primarily for any of the above purposes may not have more than 40% of its floor area devoted to industrial or storage purposes incidental to such primary use, and provided that not more than five persons are employed at any one time or on any one shift in connection with such incidental use.

- (D) Any of the above-named uses are allowed provided there is no outside storage.
- (E) Any C1 or higher uses not named in C2 shall have the parking standards as established in C1.
- (F) Special uses as may be permitted by § [159.45](#) of this chapter.

§ 159.28 C3 SERVICE COMMERCIAL DISTRICT.

- (A) Any use permitted in the C3 Accommodation Commercial District.
- (B) Uses with associated Parking Identifiers See Table 1 - § [159.32](#).
 - (1) Advertising services
 - (including outdoor) 23 & 26 & 34
 - (2) Amphitheater 24 & 26
 - (3) Automobile and other
 - motor vehicle sales 22 & 34
 - (4) Automotive parts and
 - equipment sales 11 & 26
 - (5) Bicycles 26
 - (6) Bus passenger terminal 12 & 26
 - (7) Custodial service 34 & 36
 - (8) Department store 12 & 26
 - (9) Equipment rental and
 - leasing 12 & 26

- (10) Electrical service supply
and sales - general 12 & 26
- (11) Exterminating service 12 & 26
- (12) Farm and garden supplies 14 & 26
- (13) Floor coverings 12 & 26
- (14) Furniture or repair of home
furnishings 12 & 26
- (15) Gasoline service station
(if there are open uses
on the premises) 7 & 26
- (16) Golf driving range 26 & 36
- (17) Hardware - retail 12 & 26
- (18) Heating and plumbing
equipment - retail 13 & 26
- (19) Household appliances
- retail 12 & 26
- (20) Ice skating 5 & 26
- (21) Marine craft and
accessories - retail 22 & 26
- (22) Marine craft rental
and leasing 22 & 26
- (23) Mental hospital and other
rehabilitation institutions 26 & 30
- (24) Miniature golf 26 & 36 & 37
- (25) Mini-Storage
- (26) Motion picture theater
(indoor) 24 & 26
- (27) Motion picture theater
(outdoor) 26 & 49

- (28) Motor vehicle painting or
upholstering 14 & 26
- (29) Motor vehicle rental
and leasing 14 & 26
- (30) Motor vehicle repair 10 & 26
- (31) Motor vehicle washing 10 & 26
- (32) Musical- instruments and
supplies - retail 12 & 26
- (33) Night club, tavern,
or lounge 3 & 26
- (34) Optical goods 12 & 26
- (35) Paint, glass and
wallpaper- retail 12 & 26
- (36) Painting, paper hanging,
and other decorating 12 & 26
- (37) Penny arcade and game room 5 & 26
- (38) Plumbing, heating, and
air-conditioning repair
services 14 & 26
- (39) Prisons, jails, reform
schools, and other
correctional institutions 10 & 26
- (40) Radio broadcasting station (without towers) 21 & 26
- (41) Roller skating 5 & 26
- (42) Television broadcasting
station (without towers) 21 & 26
- (43) Radio and television
(sales and services) 12 & 26
- (44) Tennis club 36

(45) Tennis court 36

(46) Veterinary hospital

(with no outside kennels) 14 & 26

(47) Video Gambling

(48) Winery & Microbrewery

(C) Accessory building or use customarily incidental to the above uses. Any building used primarily for any of the above purposes may not have more than 40% of its floor area devoted to industrial or storage purposes incidental to such primary use, and provided that not more than five persons are employed at any one time or on any one shift in connection with such incidental use.

(D) No outside storage except vehicles, boats, rental equipment, farm and garden supplies.

(E) Special uses as may be permitted by § [159.45](#) of this chapter.

§ 159.29 C4 GENERAL COMMERCIAL DISTRICT.

(A) Any use permitted in the C3 and Service Commercial District

(B) Uses with associated Parking Identifiers See Table 1 - § 159.32.

(1) Aircraft rental and leasing

service 26 & 34 - 49

(2) Aircraft storage and

equipment maintenance 26 & 34 - 49

(3) Air-conditioning, refrigeration

equipment and supplies

wholesale 26 & 34 - 49

(4) Airport and flying field

terminals (freight and

passenger) 26 & 34 - 49

(5) Bakeries (production and

sale) 26 & 34 - 49

(6) Beer, wine, and distilled

alcoholic beverages

- wholesale 26 & 34 - 49

- (7) Blacksmith shop 26 & 34 - 49
- (8) Books and other printed materials - wholesale 26 & 34 - 49
- (9) Building construction
 - general contracting services 26 & 34 - 49
- (10) Building materials
 - retail and wholesale 26 & 34 - 49
- (11) Bus garaging and equipment maintenance 26 & 34 - 49
- (12) Cameras and photographic supplies - wholesale 26 & 34 - 49
- (13) Carpentering and wood flooring 26 & 34 - 49
- (14) Carting, express, hauling, or storage yard 26 & 34 - 49
- (15) Cigars and cigarettes
 - wholesale 26 & 34 - 49
- (16) Clothing and related accessories - wholesale 26 & 34 - 49
- (17) Commercial and industrial machinery, equipment and supplies - wholesale 26 & 34 - 49
- (18) Concrete/cement contracting services, portable concrete plant 26 & 34 - 49
- (19) Confectionary
 - wholesale 26 & 34 - 49
- (20) Dairy products
 - wholesale 26 & 34 - 49

(21) Distillery, with or without wholesale sales.

(21) Drugs and sundries

- wholesale 26 & 34 - 49

(22) Drugs, chemicals,

and allied products

- wholesale 26 & 34 - 49

(23) Electrical apparatus and

equipment, wiring

supplies and construction

equipment - wholesale 26 & 34 - 49

(24) Electrical appliances,

televisions, and radios

- wholesale 26 & 34 - 49

(25) Electronic parts and

equipment - wholesale 26 & 34 - 49

(26) Farm machinery and

equipment - wholesale 26 & 34 - 49

(27) Farm equipment - retail 26 & 34 - 49

(28) Farm products warehousing

and storage (except

stockyards) 26 & 34 - 49

(29) Fish and seafoods

- wholesale 26 & 34 - 49

(30) Furniture and home

furnishings

- wholesale 26 & 34 - 49

(31) Fruits and vegetables

- wholesale 26 & 34 - 49

(32) Fur repair, storage, and

- cleaning services 26 & 34 - 49
- (33) Food lockers (with or
without food
preparation) facilities 26 & 34 - 49
- (34) Footwear - wholesale 26 & 34 - 49
- (35) Freight forwarding
services 26 & 34 - 49
- (36) General warehousing
and storage 26 & 34 - 49
- (37) Groceries wholesale 26 & 34 - 49
- (38) Hardware wholesale 26 & 34 - 49
- (39) Hay, grain and feeds 26 & 34 - 49
- (40) Household goods
warehousing and
storage 26 & 34 - 49
- (41) Jewelry - wholesale 26 & 34 - 49
- (42) Laundering, dry-cleaning,
or dyeing services 10-26 & 34
- (43) Linen supply and industrial
laundry services 26 & 34 - 49
- (44) Lumber yards - retail 12-26 & 34
- (45) Lumber and construction
materials storage yard
- wholesale 26 & 34 - 49
- (46) Machinery, equipment and
supplies - wholesale 26 & 34 - 49
- (47) Masonry, stonework,
tile settings, and
plastering services 26 & 34 - 49

- (48) Meat and meat products
 - wholesale
 - (no slaughtering) 26 & 34 - 49
- (49) Metals and minerals (except petroleum products and scrap) - wholesale 26 & 34 - 49
- (50) Milk distribution station 26 & 34
- (51) Military bases, reservations, or administrative offices 26 & 34
- (52) Military communications centers 26 & 34
- (53) Military storage or transportation centers 26 & 34
- (54) Military training bases 26 & 34
- (55) Motor freight garaging and equipment maintenance 26 & 34
- (56) Motor freight terminals 26 & 34
- (57) Newspapers and magazines
 - wholesale 26 & 34
- (58) Packing and crating services 26 & 34-49
- (59) Paper and paper products
 - wholesale 26 & 34
- (60) Plumbing and heating equipment and supplies
 - wholesale 12-26 & 34
- (61) Poultry and poultry products - wholesale 26 & 34-49
- (62) Prepared yard goods

- wholesale 26 & 34-49
- (63) Printing establishments 12-26 & 34
- (64) Printing establishments
(type casting) 12-26 & 34
- (65) Professional equipment and
supplies - wholesale 26 & 34-49
- (66) Radio, Television Towers N/A
- (67) Railroad equipment and
maintenance 26 & 34
- (68) Railroad terminals (freight) 26 & 34
- (69) Railroad terminals
(passenger) 12-26 & 34
- (70) Refrigerated warehousing 26 & 34
- (71) Roofing and sheet metal
services 26 & 34-49
- (72) Sporting goods - wholesale 12-26 & 34
- (73) Tobacco and tobacco products
(warehousing) 26 & 34-49
- (74) Transportation equipment and
supplies 26 & 34
- (75) Veterinary hospital or clinic
for larger domestic or farm
animals or boarding kennels
or any other form of
overnight boarding 14 & 26
- (76) Water well drilling services 26 & 34
- (77) Warehouses, bulk storage,
commercial, and light
industrial operations,

normally using only light machinery, and which are carried on entirely within enclosed roofed buildings, the use conform to the following performance standards 22 & 26 & 34

(a) Smoke. Refer to Environmental Protection Act, Subpart B: Visual Emissions, Section 212.123.

(b) Fly Ash. Refer to Environmental Protection Act, Subpart E: Particulate Matter Emissions from Fuel Combustion Emission Sources, Section 212.202.

(c) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.

(d) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines.

(e) Gases and Fumes. No gases or fumes, toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.

(f) Glare. No glare shall be seen from any street or any residential area.

(g) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located.

(h) Noise and Sound. A maximum of 70 decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift period.

(C) Special uses as may be permitted by § [159.45](#) of this chapter.

§ 159.30 C5 SHOPPING CENTER DISTRICT.

Any use permitted in C1, C2, and C3 Commercial Districts and conforming to the performance standards set forth in Planned Unit Development Code, Ordinance No. 88-4581.

§ 159.31 I INDUSTRIAL DISTRICT.

(A) Any use permitted in the C4 Commercial District, except dwellings.

(B) Bottling works, with or without wholesale sales .

(C) Carting, express, hauling.

(D) Composting plant.

(E) Garbage grinding station.

(F) Hides, skins, and raw furs storage and processing.

(G) Petroleum bulk stations and terminals wholesale and refining.

(H) Prepared foods (packing or canning) wholesale.

(I) Refuse incineration (commercial).

(J) Any other industrial use which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage of disposal or equipment, raw materials manufactured products or wastes, and provided the use conforms to the following performance standards:

(1) Smoke. Refer to Environmental Protection Act, Subpart B: Visual Emissions, Section 212.123.

(2) Fly Ash. Refer to Environmental Protection Act, Subpart E: Particulate Matter Emissions from Fuel Combustion Emission Sources, Section 212.202.

(3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the limits of the property being used.

(4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines.

(5) Gases and Fumes. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.

(6) Glare. No glare shall be seen from any street or any residential area.

(7) Vibration. No intense earth-shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located.

(8) Noise and Sound. A maximum of seventy (70) decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

(9) Special uses as may be permitted by § [159.45](#) of this chapter.

§ 159.32 TABLE 1 PARKING STANDARDS.

Identifiers	Standards
1	35 square feet of total floor area requires 1 parking space
2	50 " " " " " " " " " " " "
3	70 " " " " " " " " " " " "
4	75 " " " " " " " " " " " "
5	100 " " " " " " " " " " " "
6	125 " " " " " " " " " " " "
7	150 " " " " " " " " " " " "
8	200 " " " " " " " " " " " "
9	250 " " " " " " " " " " " "
10	300 " " " " " " " " " " " "
11	350 " " " " " " " " " " " "
12	400 " " " " " " " " " " " "

13	450 " " " " " " " " " " " "
14	500 " " " " " " " " " " " "
15	550 " " " " " " " " " " " "
16	600 " " " " " " " " " " " "
17	700 " " " " " " " " " " " "
18	750 " " " " " " " " " " " "
19	800 " " " " " " " " " " " "
20	900 " " " " " " " " " " " "
21	1000 " " " " " " " " " " " "
22	2000 " " " " " " " " " " " "
23	1 per 2 picnic tables
24	1 per 4 seats
25	.5 per employee, when the largest number is present
26	1 per employee, when the largest number is present
27	2 per employee, when the largest number is present
28	1 per parking space
29	1 per unit
30	1 per bed
31	1 per 2 beds
32	1 per employee on the largest shift
33	1 per 3 employees
34	1 per business vehicle
35	1 per camping station
36	a number which equals 30% of capacity
37	2 per lane
38	1.5 per rooming unit
39	1 per each 3 students
40	1 per each 6 students
41	1 per each 8 seats in auditorium
42	2 per each 3 employees
43	2 per mobile home
44	1 per each 300 sq. ft. of total floor area over 100 sq. ft. + 1 per each vehicle maintained
45	1 per each 10 students
46	1 per each 2 employees
47	1 per each 2 machines
48	1 per each 2000 sq. ft. of total property
49	1 per customer vehicle

50	As may be specified by Mattoon Board of Zoning Appeals
51	1 per each resident member

SPECIAL USES AND OTHER GENERAL REGULATIONS

§ 159.45 SPECIAL USES.

(A) *Definition.* A special use is one which may be allowed in a particular districts provided that certain special conditions or requirements are met. No special use shall be allowed until such times as the City Council has favorably acted upon a petition for such special use, in accordance with the following procedure.

(B) *Procedure.* All petitions for a special use shall follow the procedures specified in § [159.05](#) of this chapter.

(C) *Requirements.*

(1) The maximum building height for special uses shall be as specified in § [159.48](#) for the particular district in which the special use is proposed.

(2) The amount of off-street parking for special uses shall meet the minimum standards of § [159.47](#), for the district in which the special use is proposed, except where a more stringent standard is indicated in Table 2 (§ [159.46](#)).

(3) Provisions and exceptions for special uses.

(a) The maximum height requirements as stated in § [159.48](#) may be increased if buildings are set back from front and rear property lines, one foot for each two feet of additional height above the maximum requirement.

(b) In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery, lofts, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or chapters.

(c) A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement approved by the Board, utilize such facilities in lieu of providing their own parking facilities.

(d) Open parking areas shall be paved with a hard surface.

(e) Appropriate plantings, buffer areas, fences, lighting controls and other aesthetic conditions may be required as a condition to the granting of a special use.

(D) *Restrictions and Requirement standards for sexually oriented businesses.*

(1) Must conform to §118

(2) Cannot be located within one thousand feet (1,000') of any existing school; church or other religious facility or institution; mortuary or undertaking establishment; home for the aged or indigent persons; public housing property; veterans or their spouses or children; establishments that sell dispense or deliver alcoholic beverages; township, municipal or other governmental unit; park; recreation facility; institution of higher education; cemetery; area dedicated for public assemblies; teen or youth center; airport; or a residence.

(3) Cannot be located within one thousand feet (1,000') of another establishment already operating a business defined herein.

(4) For the purposes of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot or parcel containing the adult use to the property line of uses (2) or (3) above.

(E) *Requirement standards for industrial parks.* Industrial parks, which may include all permitted light industrial uses.

(1) The tract of land involved shall be of an area of not less than ten acres;

(2) The owner or owners of such tract of land shall have:

(a) Prepared a plat for a subdivision of the entire tract;

(b) Prepared a development plan for such entire tract;

(c) Obtained Commission approval of both the plat for the subdivision and the development plan according to the requirements of the Subdivision Control chapter, City of Mattoon, and this chapter.

(3) There shall be one principal entrance to the industrial park from any major thoroughfare (fronted highway) bordering the tract, which shall be designed so that traffic at its intersection with the frontal highway may be controlled and so that there will be adequate storage space for traffic destined to enter the frontal highway or to leave the industrial park.

(4) There shall be no direct entrance or exists from parking areas or structures into the frontal highway (or highways) but a service drive parallel to the main traffic way may be provided for such access. Traffic on the service drive shall enter the main traffic way via the principal entry.

(5) Wherever the industrial park and adjacent residential districts have a common or joint boundary, an area with a width of at least 25 feet shall be provided for the full length of such boundary for a planting screen, planted with shrubs and trees so as to provide a tight screen effective at all seasons of the year.

(6) The owner or owners shall provide a plan for the installation of adequate facilities for the disposal of human and industrial wastes meeting the approval of the State Department of Health.

(7) The owner or owners shall establish in the restrictions which are a part of the plat for the subdivision a perpetuating organization for the maintenance of the industrial park property, such as roads and planting areas, the approval of building plans and other improvements, and the future maintenance of the park.

(8) The development plan shall indicate the arrangement of the interior roads to provide a unified, self-contained arrangement of industrial sites. The basic concept of the interior road plan shall be subject to the approval of the Commission and any modification or alterations in the basic plan shall likewise be subject to such approval.

(9) The development plan shall show building lines established so that no building or structure shall be erected on any tract within the park nearer to the center line of any interior road than 85 feet nor nearer than 100 feet to the property line of any bordering highway, and no building shall be erected closer to the side line of a tract than 35 feet and not closer to an adjoining residential district than 75 feet.

(10) No loading docks may be erected or used fronting on a bordering highway. Provisions for loading or unloading operations and any handling of freight or materials outside of buildings shall be located so as not to face on bordering highways.

(11) No part of a parking area for passenger vehicles shall be closer than 25 feet and no part of a loading or unloading area or parking area for trucks shall be closer than 100 feet to an adjoining residential district. All parking, loading and unloading areas shall be paved with a suitable last preventative surface.

(12) The areas in front and on the sides of buildings shall be developed in accordance with a well-designed landscape plan, and such areas shall be perpetually maintained to the satisfaction of the Industrial Park Organization.

(13) One off-street parking space shall be required for each four employees, when the largest number of employees are present.

(F) *Nonconforming uses.*

(1) The lawful use of a building or premises existing at the time of passage of this chapter may be continued although such use does not conform to the provisions hereof. A nonconforming use may be extended throughout a building provided no structural alterations, except those required by law, are made therein. A nonconforming use may be changed to a conforming use or to a use permitted in a district of greater restrictions, such use shall not thereafter be changed to a nonconforming use or less restricted use. These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment of this chapter.

(2) In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

(3) No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than 51% of its value prior to the event, shall be repaired or rebuilt except in conformity with the regulations of this chapter.

(4) The Building/Code may authorize, by written permit, in a residential district for a period of not more than one year from the date of such permit, a temporary building for commercial or industrial use for the residential development of said district.

(5) No building whose use does not conform to the provisions of this chapter shall be enlarged, extended, reconstructed or structurally altered, except when required by law or chapter, unless such use is changed to a use permitted in the district in which such building or premises is located.

(6) Any nonconforming open use of land shall be discontinued within five years from the date of passage of this chapter.

(7) These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this chapter.

(8) Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within 90 days of the date of such permit and which entire building shall be completed, according to such plans, as filed, within 18 months from date of passage of this chapter.

§ 159.46 TABLE 2 SPECIAL USES, DISTRICTS AND PARKING REQUIREMENTS.

Type of Use	Permitted In	Parking Identifiers
Agriculture	All districts	Not applicable
Amusement Park	See Planned Unit Development Code Ordinance No. 88-4581	
Art & music schools	CI, C2, C3	26 & 39
Auditorium, arena, field house, stadiums	RS, C3, C4	50
Barber & beauty schools	CI, C2, C3	26 & 39
Boarding, lodging house	R3, CI, C2, C3, C4	26 & 38
Boat rentals	RS, C2	22 & 26
Botanical gardens, zoos & other native exhibits	RS	26 & 50
Business schools	CI, C2, C3	26 & 39
Camping and/or picnic areas	RS, CI, C2, C3	35 or 23 & 50
Cemeteries	All except C5 & I	50

Churches, synagogues & temples	RS, RI, R2, R3, CI, C2, C3 & C4	24
Civil defense activities	CI, C2, C3, C4 & I	See § 159.47
Civic, social, or fraternal organizations	C2, C3	5 & 26
Communications Towers	C4, I	N/A
Colleges or universities	CI, C2, C3	26 & 40
Dancing schools	CI, C2, C3	26 & 39
Driving schools	CI, C2, C3	26 & 39
Elementary schools (grades K-6, public or parochial)	RS, RI, R2, R3, CI, C2, C3	26 & 41
Equipment rental and leasing	CI, C2, C3, C4	12
Exhibition halls	All except RI, R2, R3	50
Fairgrounds	All except RI, R2, R3	50
Fire station	All	26
Golf course, country club	RS, RI, R2, R3, CI, C2	
Gymnasium	RS, CI, C2	26 & 36
Heliport	C2, C3	26 & 34
Historical- sites & monuments	All	50
Homeless Shelter	CI, C2, C3, C4	26 & 38
Home occupation	All	See § 159.04
Industrial park**	RS, CI, C2, C3, C4 & I	See § 159.45
Junior colleges	CI, C2, C3	26 & 40
Labor unions & halls	C1	8
Theatre	C1, C2, C3	24
Libraries, museums, planetariums, aquariums	RS, CI, C2, C3	16
Livestock - wholesale	RS, I	
Mental hospitals & other rehabilitation institutions	R3, CI, C2	16 & 30
Military bases, administration	C2, C3	26 & 34
Military school	CI, C2, C3	39
Mineral extraction	RS, C4, I	26
Mobile homes	R3, CI, C2 (see Municipal Code, § 158.61)	
Mobile home parks	See Planned Unit Development Code	
Motion picture theaters (indoors)	C2, C3, C5	24
Motion picture theaters (outdoors)	RS, I	26 & 49
Nursery schools, preschools, day care homes and day care	All except C4, C5 & I	25

centers		
Nursing homes or homes for aged	R3, CI, C2, C3	26 & 31
Park	All	50
Parks - leisure & ornamental	RS, RI, R2, R3, CI, C2, C5	50
Police station	CI, C2, C3, C4 & I	26 & 34
Post office or postal sub-station	CI, C2, C3	26 & 44
Playfields or athletic fields	RS, R1, R2, R3, CI	50
Playgrounds	RS, R1, R2, R3, CI	50
Professional schools	CI, C2, C3	26 & 39
Public utility transmission lines, substation & equipment storage to be permitted in all districts	Parking requirements not applicable	
Race tracks or go-cart tracks	All except RI, R2, R3, & CI	50
Radio, Television Tower	C3	N/A
Recreational centers	RS, CI	8
Riding stables	RS, C4, & I	36
Salvage yards, scrap, waste materials, demolition storage, recycling center	I	32
Sanitary Landfills	I	32
Sexually Oriented Businesses	I	5 & 26
Secondary schools, public or parochial - grades 7-12	RS, RI, R2, R3, CI, C2, C3	26 & 45
Shopping centers*	C5	See § 159.47
Sorority or fraternity houses	R3, CI	26 & 51
Stockyard	I	32
Swimming beaches (public)	RS, R3, CI, C2	50
Swimming pools (public)	RS, R3, CI, C2	36
Tennis clubs or other athletic clubs	RS, CI, C2, C3	36
Tennis courts	RS, RI, R2, R3	36
Planned Unit Development	See Planned Unit Development Code	
Utilities company	CE, C3, C4, C5 & I	26 & 44
Vocational or trade schools	CI, C2, C3	26 & 39
Welfare and charitable services	C1	25
**Must conform to Planned Unit Developmental Code.		
*Must conform to § 159.47 , Requirement Standards.		

§ 159.47 MINIMUM REGULATIONS FOR OFF-STREET PARKING.

(A) In order to lessen or avoid congestion in the public streets and to promote convenience, safety, and welfare, the following standards shall be the minimum off-street parking space requirements for all additions and new uses unless higher standards are established elsewhere within this chapter:

RS Rural Suburban District	2 per dwelling unit; and all non-dwelling units, not identified elsewhere, shall comply to C1 parking minimums
RI Single-Family Residence District	2 per dwelling unit; and all non-dwelling units, not identified elsewhere, shall comply to C1 parking minimums
R2 Two-Family Residence District	2 per dwelling unit; and all non-dwelling units, not identified elsewhere, shall comply with C1 parking minimums
R3 Multiple-Family Residential District	2 per dwelling unit and an additional parking space for each employee on the largest shift
CI Neighborhood Commercial District	2 per each 3 customer seating or waiting spaces (or 1 per each 100 square feet of gross floor area) and 1 additional parking spot per each employee
C2 Accommodation Commercial District	1 per each 2 customer seating or waiting spaces (or 1 per each 200 square feet of gross floor area)* and one per each employee when the largest number of employees are present
C3 Service Commercial District	1 per each 3 customer seating or waiting spaces (or 1 per each 300 square feet of gross floor area)* and 1 per each employee when the largest number of employees are present
C4 General Commercial District	1 per each 2 customer seating or waiting spaces (or 1 per each 600 square feet of gross floor area)* and 1 per each company vehicle and each employee when the largest number of employees are present
C5 Shopping Center District	1 per each 300 square feet of gross leasable area
I Industrial District	1 per each 3 employees on the largest shift or 1 per each 3 employees when the largest number of employees are present
*Whichever is greater.	

(B) Vehicle parking spaces required herein are the minimum to be provided. Open area devoted to vehicle parking may be used in computing open spaces required by this chapter. Where there is more than one use in a building, the combined requirements per use will apply. A minimum of one parking space per use is required. If the calculated number of parking spaces is fractional, the required parking spaces shall equal the next whole number.

(C) Space for off-street vehicle parking may be provided on the lot occupied by the building which it serves, or on adjacent or nearby areas, but such parking areas shall be counted only once in determining off-street parking requirements for individual or groups of buildings.

(D) Groups of stores or other buildings and uses requiring off-street parking facilities as prescribed herein may join in establishing group parking lots with adequate capacity for all the buildings and uses participating in their establishment.

(E) A church or other place of congregation which requires parking facilities at times when other nearby uses would not require established parking facilities, may enter into a joint agreement for the use of such facilities and, if such agreement is approved by the Zoning Board of Appeals, the Board may relieve the church or other place of congregation from establishing its own off-street parking facilities.

(F) The regulations herein prescribed shall not apply to lots located in a block within a C3 District which, at the time of passage of this chapter, was occupied by structures used for commercial purposes totaling fifty 50% or more of the area of the block.

(G) Any use which locates in a lower zoning district where it is not specifically listed by name shall conform to the minimum parking requirements of that use as indicated in §§ [159.21](#) through [159.31](#). However, any use which locates in a higher zoning district where it is not specifically listed by name shall conform to the maximum

parking requirements of that use as indicated in §§ [159.21](#) through [159.31](#). When a use is not named in §§ [159.21](#) through [159.31](#), then the maximum parking requirements of § [159.47](#) shall apply.

§ 159.48 HEIGHT REGULATIONS.

Buildings hereafter erected or altered shall not exceed the following prescribed maximum heights in each respective district.

(A) RS Suburban & RI Single-Family Residence Districts: maximum dimension 35 feet.

(B) R2 Two-family Residence District: 35 feet.

(C) R3 Multiple-family Residence District: 70 feet.

(D) CI and C2 Commercial Districts: 35 feet.

(E) C3 Service Commercial District: 70 feet.

(F) C4 general commercial district: 108 feet.

(G) C5 shopping center district: 50 feet.

(H) I industrial district: 108 feet.

(I) In residence districts dwellings may be increased in height by not more than ten feet, provided that for each two feet of height above 35 feet, they shall be set back one additional foot from each side yard as required herein.

(J) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, tanks, stage towers, scenery lofts, water towers, ornamental towers and spires, radio towers or necessary mechanical appurtenances may be erected to heights in accordance with architectural custom and with existing or hereafter adopted chapters or building codes.

(K) Public, semi-public, or public service buildings, churches, temples or schools may be erected to a height of 60 feet in a residence district, providing that for each two feet of additional height over 35 feet, the building shall be set back from the minimum front yard line one additional foot.

(L) Any building may be erected in the C4 general commercial district to a height greater than 108 feet if the portion of the building above 108 feet is set back from all street and lot lines one foot for each three feet of additional height.

(M) Accessory buildings shall not exceed 20 feet in height.

(N) All heights specified herein shall be measured from the ground lot level.

§ 159.49 YARDS.

(A) *Front yards.* Front yards shall be provided in each respective district as follows:

(1) RS, R1, R2, R3, C1 and C2, Residence and Commercial Districts: Minimum dimension 25 feet.

(a) Front yard lines established in recorded subdivisions, which equal at least 20% of the depth of the lots, shall apply to buildings erected in such subdivisions.

(b) Buildings on through lots shall provide a front yard on each street.

(c) A corner lot located at the intersection of the two streets, shall provide front yards, for any building constructed thereon, parallel to both streets and conforming to the front yard required on lots which front on each

street, providing that the building area on the corner lot need not be reduced below 35 feet in width, measured perpendicularly to the side street.

(d) Provided further that no accessory building located at such lot shall project beyond the front yard line established for the lots fronting on the side street.

(2) C3 Service Commercial Districts: the regulations for the R1 Single-Family Residence District shall apply to all types of buildings hereafter erected, except on corner lots.

(a) Residential buildings shall comply with division (A)(1)(c) above.

(b) Commercial buildings; the front yard requirement shall apply to both streets providing that the building area on the corner lot need not be reduced below 50 feet in width, measured perpendicularly to the side street.

(3) Where two or more lots, (see vision clearance on corner lots, § [159.51](#)) comprising at least 33% of the frontage in a block are developed with buildings having front yards which do not conform to the above, the average front yard so established shall apply to buildings hereafter erected in the block.

(4) C4 General Commercial district: front yards for residential buildings shall comply with the regulations prescribed for the R2 Single-Family Residence District but front yards are not required for other structures.

(5) C5 Shopping Center District: per Requirement Standards.

(6) I Industrial District: front yards are not required for commercial or industrial buildings.

(7) All lots fronting on two or more streets shall have a front yard setback from each street.

(B) *Side yards.* Side yards shall be provided in each respective district as follows.

(1) RS Suburban and RI Single-Family Residence Districts: minimum width of side yard required is five feet measured from the foundation to the side lot line, and four feet from an eave overhang to the side lot line.

(2) R2 Two-Family Residence District: the regulations for the RI Single-Family Residence District shall apply except for a dwelling contiguous to the lot line (zero lot-line dwelling). The minimum width of the side yard opposite the zero side yard shall be ten feet measured from the foundation to the side lot line, and nine feet from the eave overhang to the side lot line.

(3) R3 Multiple-Family, Residence District: the minimum width of the side yard shall be ten feet measured from the foundation to the side lot lines. These standards shall apply to all buildings not exceeding 40 feet in height. Buildings higher than 40 feet in height shall provide a side yard on each side of the building equal to 25% of the height of the building.

(4) C1, C2, and C3 Commercial Districts: the regulations of the R3 Multiple-Family, Residence District shall apply to residential buildings. Commercial buildings need not provide side yards except where the boundary of the district adjoins a residence district in which case a side yard ten feet wide shall be provided on the side of the lot next to the residence district.

(5) C4 General Commercial District: the regulations of the C3 Service Commercial District shall apply.

(6) C5 Shopping Center District: side yards are not required for commercial buildings.

(7) I Industrial District: commercial and industrial buildings need not provide side yards.

(C) *Rear yards.* Rear yards shall be provided in each respective district as follows.

(1) RS Suburban and RI Single-Family Residence Districts: the minimum dimension shall be five feet.

(2) R2 Two-Family Residence District: the regulations for the RI Single-Family Residence District shall apply.

(3) R3 Multiple-Family Residence District: the minimum depth of the rear yard shall be ten feet measured from the foundation to the rear lot lines. These standards shall apply to all buildings not exceeding 40 feet in height. Buildings higher than 40 feet in height shall provide a rear yard equal to 25% of the height of the building.

(4) C1, C2, and C3 Commercial Districts: 5 Feet. When not adjacent to an alley, no rear yard is required.

(5) C4 General Commercial District: no rear yard required.

(6) C5 Shopping Center District: no rear yard required.

(7) I Industrial District: no rear yard required.

(D) *Yard regulation exceptions.* The following provisions shall apply to front, side and rear yards in all districts.

(1) Where dwelling quarters are erected above stores, the side yard requirements covering the commercial use shall apply to the entire structure.

(2) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening on firepower projecting into a yard not more than five feet, and the ordinary projections of chimneys and flues shall be permitted.

(3) Rear yards abutting on alleys may use one-half the width of the alley in computing the required depth of the lot.

(4) No yard or open space provided about any building for the purpose of complying with these regulations shall again be used as a yard or open space for another building.

(5) Accessory building and/or structure which are not part of a main residential building may be built a minimum of three feet from the rear and side lot lines in all districts. The limitations provided in this section for accessory buildings shall include above-ground swimming pools. These limitations shall not include below-ground pools, which must be a minimum of six feet from the property lines, for which specific regulations are provided in the City of Mattoon Building Code, as adopted by the City Council in § [150.01](#) of this code of ordinances.

(6) For the purpose of side yard requirements, a two-family dwelling or group house/townhouse, shall be considered as one building occupying a single lot.

(7) Buildings on through lots may waive the requirements for a rear yard by furnishing an equivalent amount of open space in lieu of the rear yard.

§ 159.50 INTENSITY OF USE.

No building shall be erected which will increase the percentage of occupancy of the lot above the regulations given below, and the intensity of the use of lots shall conform to the following regulations for the respective districts.

(A) *RS Suburban District.* The principal building erected on the lot with its accessory buildings shall not occupy more than 40% of the area of an interior lot nor more than 45% of the area of a corner lot. No single-family dwelling shall be erected on any lot having an area of less than 8,400 square feet or a width less than 70 feet.

(B) *RI Single-Family Residence District.* The principal building erected on the lot with its accessory buildings shall not occupy more than 35% of the area of an interior lot nor more than 40% of the area of a corner lot. No single-family dwelling shall be erected on any lot having an area of less than 7,500 square feet or a width of less than 50 feet.

(C) *R2 Two-Family Residence District.* The principal building on the lot with its accessory building shall not occupy more than 45% of the area of an interior lot nor more than 55% of the area of a corner lot. No dwelling shall be erected or altered to accommodate or make provision for more than one family for each 7,500 square feet of lot area for single-family houses with a minimum lot width of 50 feet and for two-family dwellings 3,750 square feet of lot area per family with a minimum lot width of 50 feet.

(D) *R3 Multiple-Family Residence District.* The regulations applying to the percentage of occupancy of the lot shall be the same as the R2 Two-Family Residence District. Single and two-family dwellings shall be erected only on lots having a minimum area of 7,500 feet and a minimum width of 50 feet, in this district. Multiple dwellings, apartments or group houses/town-houses shall not be erected or altered hereafter to accommodate or make provisions for more than one family for each 500 square feet of the lot, with a minimum width of 50 feet and an area of not less than 7,500 square feet.

(E) C1, C2 and C3 commercial districts and C4 general commercial districts: the regulations for intensity of use prescribed for the R3 Multiple-Family Residence Districts shall apply to residential buildings erected or altered in these districts.

(F) A lot in any district, except the C5 and I districts, which was a lot of record or was in separate ownership at the time of passage of this chapter, may be used as a residential building lot if additional frontage on either side of the lot was not under the same ownership at the time of passage of this chapter and cannot be reasonably acquired, as determined by the Zoning Board of Appeals, so as to meet the minimum requirements for intensity of use for a single-family dwelling in the district in which the lot is located.

(G) A minimum ground area shall be required for each dwelling unit in all districts where permitted as follows:

Use	RS	R1	R2	R3	C1 - C3	C4
Single-family	960	768	768	768	672	672
Two-family	--	768	768	504	504	
Multiple-family	--	--	--	504	504	504

§ 159.51 VISION CLEARANCE ON CORNER LOTS.

In all residence districts a triangular space shall be maintained at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.

§ 159.52 PLANNED UNIT DEVELOPMENT.

See Planned Unit Development Code Ordinance No. 88-4851.

§ 159.53 LOADING AND UNLOADING REGULATIONS.

(A) In order to lessen or avoid congestion in the public streets and to promote convenience, safety and welfare, the following regulations are hereby established to require that each commercial or industrial use and other uses which by their nature will require the receipt and delivery of raw materials, wastes and finished products into motor vehicles shall provide off-street loading and unloading berths as follows:

Commercial Uses - Loading And Unloading Berths Required		
Type of Use	Gross Floor Area (Square Feet)	Loading & Unloading Berths Required

Retail Stores	3,000 to 15,000	1
Department Stores	15,001 to 40,000	2
Wholesale Establishments, Storage Uses and Other Commercial Uses	Each 25,000 Additional	1 Additional
Industrial Uses - Loading and Unloading Berths Required		
Gross Floor Area of Industrial Use (square feet)	Number of Berths Required	
15,000 or less	1	
15,001 to 40,000	2	
40,001 to 100,000	3	
Each 40,000 Additional	1 Additional	

(B) The Board shall require the provision of loading and unloading berths for special uses as a part of its procedure as outlined in § [159.65](#) and the loading requirements shall conform to those presented in this section.

Section 2. The updated version of the Mattoon Zoning Map is hereby approved and shall be printed in accordance with this Ordinance.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the Corporate Authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 5th day of May, 2015, by a roll call vote as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover
 NAYS (Names): None
 ABSENT (Names): None

APPROVED this 5th day of May, 2015.

/s/ Timothy D. Gover
 Timothy D. Gover, Mayor
 City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
 Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ Janett S. Winter-Black
 Janett S. Winter-Black, City Attorney

Commissioner Graven seconded by Commissioner Hall moved to amend the Zoning Map to change Lot 12, Block 83, from R-3 to C-3 also known as 1500 Richmond.

Mayor Gover opened the floor for discussion. Commissioner Owen inquired as to the whole lot or half lot. Administrator Gill stated a whole lot.

Mayor Gover declared the motion to amend carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover opened the floor for comments/questions with no response.

Mayor Gover declared the amended motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Owen moved to approve Council Decision Request 2015-1602, approving Change Order #1 in the amount of \$188,656 from Crawford, Murphy & Tilly to the March 20, 2013 Design Agreement for the CSO (Combined Sewer Overflow) Satellite Treatment Facility.

Mayor Gover opened the floor for comments/discussion.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2015-1603, approving the promotion of Kevin Hamilton to the position of Public Works Superintendent, effective May 6, 2015.

Mayor Gover opened the floor for comments/discussion. Director Barber expressed accolades on Mr. Hamilton's quality of work. Commissioner Graven noted four in-house and four external applicants; and made a good selection.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover congratulated Mr. Hamilton. Mr. Hamilton thanked the Council.

Mayor Gover seconded by Commissioner Owen moved to approve Council Decision Request 2015-1604, awarding the bid for demolition of 401 North 20th Street in the amount of \$9,335 to TQ Demolition.

Mayor Gover opened the floor for comments/discussion. Mayor Gover opened the floor for comments/discussion. Mayor Gover noted a \$6,000 difference between the lowest bidder and the next bidder.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2015-1605, approving an \$18,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Pride Softball for hosting four softball tournaments to be held April 10-11, April 30-May 2, June 12-14, and July 17-19, 2015; and authorizing the Mayor to sign the agreement.

Mayor Gover noted a discrepancy on the application and awarded amount. Director Burgett noted the grant application was turned in prior to the meeting and additional funds were recommended by the Tourism Board. Mayor Gover opened the floor for additional questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2015-1606, approving a \$4,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the EIU

Athletics for supporting the IHSA Girls and Boys Track and Field State Meets to be held May 21-23 and May 28-30, 2015; and authorizing the Mayor to sign the agreement.

Mayor Gover noted the application did not have revenue from other sources appearing to reflect a profit. Director Burgett stated EIU does not keep the funds, IHSA officials stay in Mattoon (hospitality support), and the return on investment is extremely low for what the community receives in return. Mayor Gover requested more information in the future and opened the floor for questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2015-1607, approving a \$1,945 grant by the Tourism Advisory Committee from hotel/motel tax funds to the EIU Kinesiology Department for hosting IHSA Girls Badminton State Tourney to be held May 15-16, 2015; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for comments. Director Burgett noted participants were from Kankakee and North, and their return each year is due to the participants' loyalty to Mr. Hussey.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2015-1608, approving the renewal of an Enterprise Software Agreement with Microsoft Licensing, GP; and authorizing the Mayor to sign the Microsoft Volume Licensing signature form.

Mayor Gover opened the floor for comments/questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to adopt Special Ordinance No. 2015-1593: approving the side letter agreement between the City of Mattoon and the Mattoon Firefighters Association Local 691 concerning the addition of ascertained merit points to the promotional testing requirements and procedures contained in the current collective bargaining agreement.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2015-1593**

**AN ORDINANCE APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF
MATTOON AND THE MATTOON FIREFIGHTERS ASSOCIATION LOCAL 691 CONCERNING THE
ADDITION OF ASCERTAINED MERIT POINTS TO THE PROMOTIONAL TESTING
REQUIREMENTS AND PROCEDURES CONTAINED IN THE CURRENT COLLECTIVE
BARGAINING AGREEMENT.**

WHEREAS, the City of Mattoon (hereinafter "City") entered into a Collective Bargaining Agreement (hereinafter "Agreement") with the Mattoon Firefighters Association Local 691 (hereinafter "Firefighters") on May, 2014 which is effective until April 30, 2017; and,

WHEREAS, said Agreement contains language that both parties will agree to negotiate considerations for the next promotional testing cycle that will establish the "ascertained merit points"; and

WHEREAS, the City and the Firefighters have negotiated the terms recognizing ascertained merit points and their value based on the Promotions Act and have assigned points to recognize training for specific promotions; and,

WHEREAS, the parties have drafted a Side Letter Agreement to memorialize the terms of their agreement.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The City Council hereby approves and ratifies the Side Letter Agreement hereto as Exhibit “A” and incorporated herein by this reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Cox, adopted this 5th day of May, 2015, by a roll call vote as follows:

AYES (Names):	<u>Commissioner Cox, Commissioner Graven,</u> <u>Commissioner Hall, Commissioner Owen,</u> <u>Mayor Gover</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

APPROVED this 5th day of May, 2015.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O’Brien
Susan J. O’Brien, City Clerk

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality’s Records on 05-05, 2015.

Mayor Gover opened the floor for comments. Administrator Gill noted the side letter agreement was part of the original contract to add promotional points, citing education is valuable. Captain Myers noted the cooperation between union and City, and appreciated the value of education.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted discussion with property owners regarding the zoning changes, Police arbitration, preparation of YMCA/bike trail ordinance, and developers’ questions on design possibilities. Mayor Gover opened the floor for questions. Commissioner Hall noted most calls understood the zoning changes would improve the areas in the long run, but had one person not being able to negotiate anything on the property; and complimented Administrator Gill on negotiating the changes and appreciated his efforts.

CITY ATTORNEY had nothing to report. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted work on records retention and insurance issues; otherwise business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE noted posting of ’15 budget amendments, depositing \$100,000 into pension funds, preparation of budget booklets, auditors’ arrival tentatively scheduled for July 8th, preparation of items on the auditors’ list and making year-end adjustments. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS noted City-wide Cleanup on May 16th, city crews update, Bartels starting tomorrow, Howell Asphalt starting Friday or Monday, City crews starting sidewalk work on Essex/6th/Charleston, and a meeting with Upchurch on new Public Works Building. Mayor Gover inquired if the City Cleanup was to be conducted at the Yardwaste Facility with Director Barber stating affirmatively. Mayor Gover opened the floor for additional questions with no response.

POLICE updated Council on the cell phone violators with 271 tickets and commended the officers for their efforts in enforcing the law. Mayor Gover inquired as to the amount of the fine with Chief Branson stating \$120.00.

ARTS AND TOURISM noted Lone Elm Room usage by Sound Source recitals and scheduling for the rest of the year; and updated Council on the Bagelfest and 4th of July preparation. Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioners Cox, Graven, Hall, and Owen had no further comments.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 6:59 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/ Susan J. O'Brien
City Clerk