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City Clerk
116 E. Market Street
Troy, Illinois 62294



Ordinance No. 2012 - 16

AN ORDINANCE Amending Ordinance 2004-21 of the Troy
Municipal Code Also Known as the Troy Zoning Ordinance
For the Purpose Of Rezoning Certain Property, Namely a Six-Acre Tract
On the East Side of the South end of SrA Bradley Smith Drive
(The Ottwein Land Trust – Owner/Merrill Ottwein
and Audrey Deeren – Applicants)

Whereas, the City of Troy, County of Madison, State of Illinois, presently has in force the Troy Zoning Ordinance, which is contained in the Troy Municipal Code as Ordinance No. 2004-21 adopted August 2, 2004, as amended from time to time; and

Whereas, Merrill Ottwein and Audrey Deeren (hereinafter “Applicants”) and The Ottwein Land Trust, property owner (hereinafter “Owner”) of a six-acre tract of vacant land on the east side of the south end of SrA Bradley Smith Drive in the City of Troy, Illinois have filed an application for rezoning the property from A-R Agricultural Reserve to C-2 General Commercial; and

Whereas, the map attached hereto, marked Exhibit B, is an accurate map of the property so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map; and

Whereas, the City Planning Commission has complied with the provisions of 65 ILCS 5/11-13-14 and Article 8, Section 8-4 of the Troy Zoning Ordinance regarding amendments of regulations and zoning districts by holding a public hearing on August 9, 2012 to consider the request for a rezoning of certain property filed by the property owner, pursuant to notice as required by Statute; and

Whereas, as a result of said hearing, the Planning Commission has made a recommendation to the City Council that it approves the request for rezoning (see Recommendation No. 2012-07PC and Exhibit A); and

Whereas, the City Council has considered and accepted the recommendation of the Planning Commission (see Resolution 2012-19) and has determined that it is in the best interest of the public health, safety and welfare, and in compliance with the powers conferred upon the City and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the Troy Zoning Ordinance for the purpose of rezoning the above referenced land from A-R Agricultural Reserve to C-2 General Commercial in accordance with the map attached hereto as Exhibit B.

Now, Therefore, Be It Ordained By The Mayor And The City Council Of The City Of Troy, Madison County, Illinois As Follows:

SECTION 1: Ordinance 2004-21 of the City of Troy, as amended from time to time and commonly known as the Troy Zoning Ordinance, is hereby amended to change the zoning classification from A-R Agricultural Reserve to C-2 General Commercial in accordance with the map attached hereto as Exhibit B and as more particularly described on the legal description attached hereto as Exhibit C.

SECTION 2: That all other provisions of said Ordinance 2004-21 shall remain unchanged and in full force and effect except as specifically amended by this ordinance.

SECTION 3: If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: This Ordinance shall be effective upon its passage, signing, and publication as required by law.

Passed by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this twentieth day of August, 2012.

Aldermen:

Adomite Aye

Jackson Aye

Total:

Evans Aye

Lanahan Aye

_____ Ayes

Hendrickson Aye

Metcalf Aye

_____ Nays

Italiano Absent

Partney Aye

APPROVED BY:



Tom Caraker, Sr.,
Mayor, City of Troy, Illinois

ATTEST:

Michele Colligan
City Clerk - Deputy

(SEAL)