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City of Troy
116 E. Market Street
Troy, Illinois 62294

2018R33818
STATE OF ILLINOIS
MADISON COUNTY
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Ordinance No. 2018 - 09

AN ORDINANCE Amending Chapter 154 of the
Troy Municipal Code (Also known as the Troy Zoning Ordinance)
Section 154.031 Accessory Uses

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS

THIS 21ST DAY OF MAY 2018

Whereas, the City of Troy, Madison County, Illinois presently has in force the
Troy Zoning Ordinance, which is contained in the Troy Municipal Code as Chapter 154,
Ordinance No. 2004-21 adopted August 2, 2004 and as amended from time to time; and

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Whereas, the Planning Commission has performed a review of the city's Zoning Ordinance, specifically *Section 154.031 Accessory Uses*, and believes that changes are necessary to accommodate the anticipated development of single-family residential lots that are 2 acres and larger; and

Whereas, the Planning Commission has complied with the provisions of *Section 154.143 Amendments* of the Zoning Ordinance regarding amendments of regulations by holding a public hearing on May 10, 2018 to consider amending the Zoning Ordinance; and

Whereas, as a result of said hearing, the Planning Commission has made a recommendation (Recommendation 2017-02PC) to the City Council that they enact said amendments to the Zoning Ordinance and Municipal Code of Ordinances; and

Whereas, the City Council has duly considered the matter and the recommendation of the Planning Commission and has determined and concluded that it is in the best interest of the public health, safety and welfare of the City, and in compliance with the powers conferred upon the City, to amend the existing Troy Zoning Ordinance and Municipal Code of Ordinances.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois

SECTION 2: That *Section 154.031 Accessory Uses* of Ordinance 2004-21 of the City of Troy, commonly known as the Zoning Ordinance is amended to read as described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

Passed by the City Council of the City of Troy, Madison County, Illinois and approved by the Mayor this 21st day of May, 2018.

Aldermen:

~~Daniel~~ LEVO Y
Henderson Y
Italiano Y

Jackson Y
Partney Y
Thompson Y

Turner Y
Zarzecki N

Total:
7 Aye
1 Nay

APPROVED:



Allen P. Adomite
Mayor, City of Troy, Illinois

ATTEST:


Jamie Myers, City Clerk

(SEAL)

1802

Proposed Changes: (includes Planning Commission stipulation)

Exhibit A

§ 154.031 ACCESSORY USES.

(A) An ACCESSORY USE means any structure or use that is:

- (1) Subordinate in size or purpose to the principal use or structure that it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served;
- (3) Located on the same lot as the principal structure or use served.

(B) General standards.

- (1) In all residential and C-1 zoning districts, accessory structures shall be limited to 900 square feet and one-story (15 feet) for permanent structures and ~~600~~200 square feet and one-story (15 feet) for temporary or portable structures.
Exception: On R-1 Single-family residential lots 2 acres and larger, accessory structures may have a maximum square footage not to exceed 80% of the ground floor area of the principal structure or 2,500 square feet, may be no more than one-story, and have a maximum height of 24 feet.
- (2) In all residential and C-1 zoning districts, the maximum number of detached accessory structures shall be limited to two per lot with a combined square footage of 900 square feet. However, the combined square footage of the accessory structures shall not exceed the total square footage of the principal structure or use served.
- (3) Accessory structures shall not be permitted on any lot unless a principal building exists.
- (4) If an accessory use is attached to the principal structure, it shall be considered part of that principal structure.
- (5) Roof overhangs on accessory structures not attached to the principal structure shall not encroach more than two feet into the required setback distance.
Exception: On R-1 Single-family residential lots 2 acres and larger, encroachments into the required setback distance shall not be permitted.
- (6) Accessory structures shall be located in back yards only and set back five feet from any lot line. Exception: On R-1 Single-family residential lots 2 acres and larger, accessory structures shall be set back at least 10 feet from any lot line.
- (7) On R-1 Single-family residential lots 2 acres and larger, metal siding, roofing and trim can be used on all accessory structures that exceed 900 square feet. This metal siding, roofing and trim shall be made from 29-gauge steel, having a yield strength of 80,000 pounds per square inch, coated on both sides with at least a G60 galvanized coating, and having at least a 20-year warranty on the finish.

- (8) All permitted uses, height and area requirements shall also be enforced in accordance with §§ 154.032 and 154.033 of this chapter.
- (C) Specifically prohibited accessory uses. The following accessory uses are strictly prohibited unless expressly permitted in particular zoning district(s):
 - (1) Use of an accessory structure as a dwelling.
 - (2) Use of accessory structures being used as the principal building for any office or business. (Also see § 154.056).
 - (3) Use of an accessory structure in any part of a home occupation.
 - (4) Use of any trailer type structure that when originally manufactured was used for the transportation of goods or any trailer type structure that when originally manufactured was used for human occupation.
- (D) Limitations. See schedules (§§ 154.032 and 154.033) for limitations and schedule listings located at the end of this chapter.

Planning Commission Public Hearing
Thursday, May 10, 2018

Exhibit B

Public hearing to amend Section 154.031 of the Code of Ordinances

Please Sign In:

	Name	Address	Phone #
1	Don Osborn	100 Regency Center Coll.	618-346-7878
2	Shawn Haftmann	2730 North Center Marquette	618-205-8595
3	Cynthia Butler		
4			
5			
6			
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RECOMMENDATION NO. 2018 ~ 02PC

Of the Planning Commission of the City of Troy, Illinois Recommending an Application for Amending Section 154.031 of the Code of Ordinances

WHEREAS, the Building & Zoning Administrator of the City of Troy has reviewed the provisions of Section 154.031 Accessory Uses of the Zoning Ordinance and believes that the proposed changes are necessary to accommodate the anticipated development of single-family residential lots that are 2 acres and larger; and

WHEREAS, the Planning Commission met on May 10, 2018 to consider an application for Amending Section 154.031 Accessory Uses of the Code of Ordinances. A copy of the proposal and certification by the City Clerk regarding publication of the notice of hearing are incorporated by reference; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the following citizens also testified regarding the application (See Exhibit B); and

WHEREAS, the Planning Commission has considered the factors as described in Section 154.143 Amendments of the Code of Ordinances; and

WHEREAS, following the testimony, the members of the Planning Commission voted as recorded below:

Burnett <u>Yes</u>	Johnson <u>Yes</u>	Nehrt _____	Total:
Delgado _____	Lawrenz <u>Yes</u>	Reiter <u>Yes</u>	<u>6</u> Yeas
Hellrung _____	McConnell <u>Yes</u>	Niermann <u>Yes</u>	<u>0</u> Nays

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the application for the following: Amending Section 154.031 Accessory Uses and adopting the attached Code provisions as provided in Exhibit A

Is Not Recommended Is Recommended with the following stipulations, if noted: Add cap of 2,500 square feet on accessory structure.

A copy of this recommendation is presented to the City Council and the Code Enforcement Official; the original shall be filed with the City Clerk.

ADOPTED this 10th day of May, 2018.

By Robert L. Johnson
Chairman, Planning Commission

Attest Judith Drake
Secretary, Planning Commission