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



Ordinance No. 2022 -22

AN ORDINANCE Amending Certain Sections of Title XV Land Usage Chapter 154
Zoning Ordinance Section 154.020 and 154.033 of the Troy Municipal Code
Pertaining to the Old Town - C-4 Zoning District

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

THIS 20TH DAY OF JUNE 2022

Whereas, the City of Troy, Madison County, Illinois presently has in force the 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

Whereas, the Planning Commission has performed a review of the city's Zoning Ordinance, specifically the *Old Town – C-4 Zoning District* and relevant areas of the *Schedule: Permitted and Special Uses*; and

Whereas, the Planning Commission has complied with the provisions of *Section 154.143 Amendments* of the Zoning Ordinance by holding a public hearing on June 9, 2022, to consider amending the Zoning Ordinance; and

Whereas, as a result of said hearing, the Planning Commission has made a recommendation (Recommendation 2022-03PC) to the City Council that they enact said amendments to the Zoning Ordinance; and

Whereas, the City Council has duly considered the matter and the recommendation of the Planning Commission and has determined that the amendment reference herein conforms with the goals, objectives, and policies of the Comprehensive Plan in that the amendment promotes growth and development in the Old Town – C-4 district as well as encourages the appropriate location of development.

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: *Section 154.020 Establishments of Districts and Zoning District Regulations* shall be amended to read as follows:

- (L) *Downtown Mixed-use Commercial – C-4 Zoning District.* The C-4 commercial district represents a transition area where residential and commercial uses are integrated. The C-4 district aims to maintain and enhance the character of existing neighborhoods, support existing business sites, and facilitate redevelopment at a scale and intensity consistent with surrounding areas and the Comprehensive Plan. Businesses' compatibility with the existing downtown area is paramount and should be reflected in the design and site layout of buildings and structures within the district.

The uses in the C-4 district should constitute an integral part of the surrounding area, promote the image of a traditional downtown shopping and dining area, and encourage a gathering place where walking and biking are key components.

Mixed-use buildings containing retail, service, and residential uses on the first floor, and offices, services, or residences on the upper floors, shall be linked to and complemented by commercial and residential development within the district and nearby neighborhoods.

- (1) All new buildings or building renovation projects in the C-4 district will be evaluated on the plans submitted to the City of Troy Building and Zoning Department. The requirements for setbacks, parking, exterior finishes, and other city code compliance shall be at the discretion of the Code Enforcement Official and shall be based on the character of the existing adjacent properties.

At the request of the Code Enforcement Official, any plans shall be brought to the Planning Commission for review and approval including projects with multiple buildings or tenants, unique circumstances such as poor visibility or irregularly shaped sites, or when a uniquely creative approach to development or design is proposed.

- (2) *Illumination*: illumination of buildings and structures shall be controlled to preclude the spillage of light onto adjoining residential or commercial uses or lots. Refer to § 154.081 for additional lighting requirements for off-street parking, loading areas, and sidewalks.
- (3) *Land uses in a C-4 zoning district*: for a general listing of permitted and special uses, refer to § 154.033.
- (4) *Manufacturing prohibited*: no manufacturing or processing of material shall occur in the C-4 zoning district for off-premises consumption or use. Only incidental processing may occur on a zoning lot in the C-4 zoning district.
- (5) *Outside building or storage*: not permitted on commercial or mixed-use lots.
- (6) *Signage*: variable message boards must be dimmed from dusk to dawn. Refer to Chapter 155 Sign Regulations for additional requirements.
- (7) *Trash disposal facilities*: all outside trash or disposal facilities within the C-4 zoning district shall be located at the rear of the zoning lot and the building on the lot. All such facilities shall be appropriately screened from adjoining properties and in a manner that is compatible with the building site design for the zoning lot. Any such outdoor trash or disposal system must be maintained to avoid the existence of litter or the dispersal of trash outside the enclosure or the zoning lot. The accumulation of litter or trash is not permitted. If the existing central business changes ownership or the nature of the business changes, trash disposal areas are required to be screened. Strictly single-family residential uses do not require any such facilities.
- (8) *Utilities*: all utilities from the property line onto the property will be installed underground. All new utilities at the property line with building frontage on any side will be installed underground regardless of their current conditions. Local public utility facilities shall be adequately screened with landscaping, fencing, or walls, or any combination thereof, or shall be placed underground, or shall be enclosed in a structure in such a manner to blend with and complement the character of the surrounding area. All plans for screening the facilities shall be submitted to City staff for review. No building permit shall be issued until City staff has approved the plans.

SECTION 3: *Section 154.033 Schedule: Permitted and Special Uses* is hereby amended to add the following uses as Special Uses in the C-4 Zoning District: Condominiums, Home occupations, Multiple family dwellings, Single-family dwellings, Townhouses, Two family dwellings, and Uniplexes.

The notation under the schedule should read: * C-1 no outside storage permitted; C-4 no outside storage on commercial or mixed use; C-2, C-3, I-1, and I-2 no outside storage without privacy screening installed as per section 154.061.

SECTION 4: 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 5: 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 6: 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 20th day of June, 2022.

Aldermen:


| | | |
|----------------------|---------------------|-----------------|
| Dawson <u>AYE</u> | Italiano <u>AYE</u> | Total: |
| Flint <u>AYE</u> | Knoll <u>AYE</u> | <u>8</u> Aye |
| Hellrung <u>AYE</u> | Manley <u>AYE</u> | <u>0</u> Nay |
| Henderson <u>AYE</u> | Turner <u>AYE</u> | <u>0</u> Absent |

APPROVED:




David Nonn, Mayor
City of Troy, Illinois

ATTEST:



Kimberly Thomas, City Clerk



RECOMMENDATION NO. 2022 ~ 03PC

Of the Planning Commission of the City of Troy, Illinois Recommending Amendments to Certain Sections of the Code of Ordinances Pertaining to the C-4 Old Town Zoning District and its Designated Permitted and Special Uses

WHEREAS, the Planning Commission of the City of Troy has reviewed certain sections of Chapter 154 Zoning Ordinance and believes that the proposed changes are necessary to encourage and promote development in downtown area; and

WHEREAS, the Planning Commission met on June 9, 2022 to consider amending certain sections of the Code of Ordinances pertaining to the C-4 Old Town Zoning District and the designated permitted and special uses. A copy of the proposed amendments (See Exhibit A) and certification by the City Clerk regarding publication of the hearing notice 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:

| | | | |
|----------------------|-----------------------|----------------------|---------------|
| Adams <u>ABSTAIN</u> | Lawrenz <u>ABSENT</u> | Reiter <u>ABSENT</u> | Total: |
| Burnett <u>YES</u> | Nehrt <u>YES</u> | Stone <u>YES</u> | <u>4</u> Yeas |
| Compton <u>YES</u> | Niermann <u>YES</u> | Talbert <u>YES</u> | <u>0</u> Nays |

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the amendment for the following: Amending Section 154.020(L) Old Town C-4 Zoning District and Section 154.033 Schedule: Permitted and Special Uses of the Code of Ordinances as specified in Exhibit A

Is Not Recommended Is Recommended with the following stipulations, if noted:

N/A

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

ADOPTED this 9th day of June, 2022.

By [Signature]
Chairman, Planning Commission

Attest [Signature]
Secretary, Planning Commission