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



Ordinance No. 2024 - 63

AN ORDINANCE Amending Certain Sections of Title XV Land Usage,
Chapter 154 Zoning Ordinance of the Troy Municipal Code
Pertaining to the Establishment of Section 154.069 Short-term Rentals

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

THIS 16TH DAY OF DECEMBER 2024

Whereas, the City of Troy, Madison County, Illinois presently has in force Chapter 154 Zoning Ordinance which is contained in the Troy Municipal Code and as amended from time to time; and

Whereas, the Planning Commission has performed a review of the city's Zoning Ordinance and believes that changes are necessary to regulate short-term rentals that have become a popular alternative to hotels; 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 December 12, 2024, to consider amending the Zoning Ordinance; and

Whereas, as a result of said hearing, the Planning Commission has made a recommendation (Recommendation 2024-09PC) 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 it is in the best interests of the public safety, health, and general welfare to enact reasonable zoning standards that ensure each short-term rental establishment is known by the City, does not pose a safety threat, will not adversely affect neighbors or neighboring property, and is submitting hotel and motel use taxes.

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 154.069 Short-term Rentals of Chapter 154 Zoning Ordinance is created 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hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.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 16th day of December, 2024.

Aldermen:

Dawson

Flint

Hellrung

Henderson

Italiano

Knoll ABSENT

Manley

Turner

Total:

7 Ayes

0 Nays

0 Abstain




APPROVED:



David Nonn, Mayor

ATTEST:



Kimberly Thomas, City Clerk

§ 154.069 SHORT-TERM RENTALS.

(A) *Intent.*

- (1) This section aims to protect public health, safety, sanitation, traffic control, hazardous waste control, pollution control, and other specified circumstances concerning short-term rentals.
- (2) Short-term rentals are distinct from bed and breakfast establishments in that prepared meals are not provided and only one group of patrons in 24 hours shall be allowed in a short-term rental.
- (3) Short-term rentals are distinct from hotel or motel establishments in that only one group of patrons in 24 hours shall be allowed in a short-term rental. Further, hotel or motel establishments are land uses allowed only in non-residential zoning districts.

(B) *Requirements.*

- (1) It shall be unlawful to rent, offer for rent, or advertise for rent a short-term rental without first obtaining a Special Use Permit issued by the City of Troy for the specific location.
- (2) All short-term rentals shall meet the following:
 - (a) No rental or advertisement for rental for a period of time shorter than 20 hours.
 - (b) No short-term rental may provide food or beverages to any guests except pre-packaged food and drink items.
 - (c) The Special Use Permit application shall identify what living space within the principal structure is available for short-term rental. If more than one living area is offered for short-term rental, those living areas shall be specifically identified and numbered on the Special Use Permit application. While a separate Special Use Permit application is not required for each living area, the applicant shall not be allowed to exceed the maximum number of short-term rentals identified in the Special Use Permit application.
 - (d) Any short-term rental shall be subject to the hotel and motel tax and associated requirements of Title III: Administration, Section 36.023 Hotel and Motel Use and Privilege Tax.
 - (e) Short-term rentals shall be inspected annually for compliance with Title XV: Land Usage, Section 151.179 Inspection.
 - (f) Short-term rental owners/operators shall be required to register the rental dwelling with the City of Troy per the provisions of Title XV: Land Usage, Section 151.172 Registration of Rental Housing Required.
 - (g) The Special Use Permit application shall include owner and property identification information, including emergency contact and insurance information, to be provided to the City of Troy Police Department.

- (h) The maximum number of overnight occupants shall not exceed that allowed per the Building Code.
- (i) Off-street parking locations shall be identified on the Special Use Permit application.
- (j) The applicant shall be responsible for confirming that the use of the property and structure as a short-term rental is allowed by any applicable covenants and restrictions. Approval of a Special Use Permit by the City of Troy shall not circumvent these covenants and restrictions.
- (k) Short-term rentals must be owner-controlled, meaning that a property owner may not rent the property to an individual (renter) and allow the renter to utilize the unit as a short-term rental. The owner may manage the property outright or contract an entity for professional management services so long as the contracted entity is only contracted for said services and is not leasing the property from the owner.
- (l) If the property owner does not comply with all requirements stated above or the stipulations noted in the Special Use Permit, the City reserves the right to revoke the special use permit.

(C) *Special Use Permit Criteria.* In reviewing a Special Use Permit application, the Planning Commission shall consider and affirmatively ascertain the following have been met:

- (1) The proposed short-term rental has complied with all provisions of subsection (b) (short-term rental requirements).
- (2) The proposed short-term rental will not cause a negative cumulative effect when considered in conjunction with the effect of other short-term rentals in the immediate neighborhood.
- (3) The proposed short-term rental will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties.
- (4) The proposed short-term rental will not harm the public health, welfare, or safety of the community.
- (5) Other criteria determined to be necessary to comply with Section 154.141 Special Use Permits.

RECOMMENDATION NO. 2024 ~ 09PC

Of the Planning Commission of the City of Troy, Illinois Recommending an Amendment to Chapter 154: Zoning Ordinance of the Code of Ordinances Pertaining to the Establishment of Section 154.069 Short-term Rentals

WHEREAS, the Planning Commission of the City of Troy has reviewed Chapter 154 Zoning Ordinance and believes that the proposed changes are necessary to regulate short-term rentals that have become a popular alternative to hotels; and

WHEREAS, the Planning Commission held a public hearing on December 12, 2024 to consider amending Chapter 154 Zoning Ordinance to establish Section 154.069 Short-term Rentals. A copy of the proposed amendment (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>Y</u>	Curtis <u>Y</u>	Reiter <u>Y</u>	<u>5</u> Yeas
Bogue _____	Lawrenz <u>Y</u>	Stone <u>Y</u>	_____ Nays
Compton <u>N</u>	Lybarger _____	Talbert _____	<u>1</u> Abstains

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the amendment for the following: Establishing Section 154.069 Short-term Rentals as specified in Exhibit A

Is Not Recommended

Is Recommended with the following stipulations, if noted:

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

ADOPTED this 12th day of December, 2024.

By Jim Stone
Chairman, Planning Commission

Attest Charles W Lawrence
Secretary, Planning Commission