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**Return to:**

City Clerk  
116 E. Market Street  
Troy, Illinois 62294

2024R15930  
STATE OF ILLINOIS  
MADISON COUNTY  
06/10/2024 09:28 AM  
LINDA A. ANDREAS  
CLERK & RECORDER  
REC FEE: 50.00  
CO STAMP FEE:  
ST STAMP FEE:  
FF FEE:  
RHSPS FEE:  
# OF PAGES: 10



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**Ordinance No. 2024 - 30**

An Ordinance Concerning Chapter 154 of the Troy Municipal Zoning Code (also known as the Troy Zoning Code) for the Purpose of Granting a Temporary Use Permit on a Specific Parcel (i.e. Operate a fireworks stand at 107 McDonald Drive)

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ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS TWENTIETH DAY OF MAY, 2024

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

DR

**WHEREAS**, Steven Frierdich & Ray Baumann, applicants, are requesting a temporary use permit to operate a stand under a tent to sell state-approved fireworks next to the parking lot at 107 McDonald Drive (PPID # 09-2-22-08-00-000-004) from June 22, 2024 – July 4, 2024. This property is zoned C-3 Highway Commercial; and

**WHEREAS**, notice of such petition and hearing has been given as required by law; and

**WHEREAS**, a hearing on such petition was held by the Planning Commission on May 9, 2024; and

**WHEREAS**, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the standards for issuance as described in Section 154.141(E) of the City of Troy Zoning Code; and

**WHEREAS**, in accordance with Section 154.141(F) of the City of Troy Zoning Code, the Planning Commission has submitted their recommendation, including findings of fact, to the City Council that such petition for a temporary use permit be granted as stated in Recommendation No. 2024-04PC; and

**WHEREAS**, the City Council finds that the requested temporary use is in the best interest of the City of Troy, Illinois.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS AS FOLLOWS:***

**SECTION 1:** The recitals contained above in the preamble of this Ordinance are hereby incorporated 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:** The City Council hereby grants a temporary use permit to the applicant to operate a stand under a tent to sell state-approved fireworks next to the parking lot at 107 McDonald Drive (PPID # 09-2-22-08-00-000-004) from June 22, 2024 – July 4, 2024. This property is zoned C-3 Highway Commercial.

**SECTION 3:** The temporary use permit is not transferable to successive owners of the business; is not transferable to any other person; and is not transferable to any other property.

**SECTION 4:** That all other provisions of said Chapter 154 shall remain unchanged and in full force and effect except as specifically amended by this ordinance.

**SECTION 5:** 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 May, 2024.

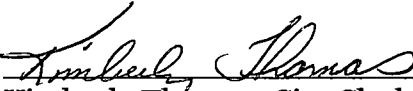
Aldermen:

Dawson <u>AYE</u>	Italiano <u>AYE</u>	Total:
Flint <u>AYE</u>	Knoll <u>AYE</u>	<u>7</u> Ayes
Hellrung <u>AYE</u>	Manley <u>ABSENT</u>	<u>0</u> Nays
Henderson <u>AYE</u>	Turner <u>AYE</u>	<u>0</u> Abstains

APPROVED BY:

  
\_\_\_\_\_  
David Nonn, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Thomas, City Clerk



RECOMMENDATION NO. 2024 ~ 04PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Temporary Use Permit Requested By Steven Frierdich & Ray Baumann (i.e. to operate a stand on the parking lot at 107 McDonald Drive to sell state-approved fireworks from June 22, 2024-July 4, 2024)

WHEREAS, the Planning Commission met on May 9, 2024, to consider an application for a Temporary Use Permit filed by Steven Frierdich & Ray Baumann. A copy of the application and certification regarding publication of the notice of hearing and notification to surrounding property owners are incorporated by reference; and

WHEREAS, this application applies to the property commonly known as 107 McDonald Drive with PPID # 09-2-22-08-00-000-004; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application, and the citizens on the attached sign-in sheet also testified regarding the application; and

WHEREAS, the Planning Commission, as per Section 154.141(E) Standards for Issuance and 154.141(F) Findings of Fact of the Zoning Ordinance of the City of Troy, Illinois, has attached as Exhibit A their findings to support this recommendation; and

WHEREAS, the Planning Commission voted as recorded below:

Adams Y Curtis Y Reiter Y 6 Yeas
Bogue Y Lawrenz ABSENT Stone ABSTAIN 0 Nays
Compton Y Lybarger Y Talbert ABSENT 1 Abstains

NOW THEREFORE BE IT RECOMMENDED BY THE PLANNING COMMISSION AS FOLLOWS:

That the application for a temporary use permit to operate a stand to sell state-approved fireworks at 107 McDonald Drive (PPID # 09-2-22-08-00-000-004) from June 22, 2024 - July 4, 2024

Is Not Recommended; [X] Is Recommended with the following stipulations, if any, noted below:

This temporary use permit IS NOT transferable to any other person or any other property.

Copies of this recommendation are presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 9th day of May, 2024.

By: [Signature] Chairman, Planning Commission

Attest: [Signature] Secretary, Planning Commission

# FINDINGS OF FACT

As per Section 154.141(F) Finding of Fact, Recommendation, the Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the City Council; and, the recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Planning Commission, and specifying the following:

As per Section 154.141(E) Standards for Issuance, the Planning Commission shall not make a recommendation to the City Council to grant any special use permit unless, in each specific case, the Planning Commission has found that:	Findings:
a) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
e) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
f) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing home that may require special protection.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
g) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendation of the Planning Commission.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
h) The special use, as conditioned, is in keeping with the general purposes of the Zoning Ordinance and the Troy Comprehensive Plan.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

1. The extent to which the proposed special use departs from the zoning and subdivision regulations of the City;  
Temporary for 10 days during holiday seasons

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2. The conformance or nonconformance of the proposed special use with the Standards for Issuance section;  
Conforms because it is temporary

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3. The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;  
Compatible in the area, temporary permit has limited impact

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4. The effect of the proposed special use on the development pattern, tax base, and economic well-being of the City.  
Positive impact and again temporary

JM Stone                      05/09/2024                      [Signature]                      9 Mar 2024  
 Chairman, Planning Commission      Date                      Secretary, Planning Commission      Date



# Notice of a Public Hearing

The Troy Planning Commission will hold a public hearing on May 9, 2024, at 7:15 pm in Council Chambers at the Troy Municipal Building, 116 E. Market St., Troy, Illinois to consider the application of Steven Frierdich and Ray Baumann. Frierdich and Baumann are requesting a temporary special use permit to operate a stand to sell state-approved fireworks at 107 McDonald Drive (PPID # 09-2-22-08-00-000-004) from June 22, 2024 – July 4, 2024.

The above application is open to inspection in the Building & Zoning Department, 116 E. Market Street, Troy, Illinois.

This hearing is open to public comment. All interested persons are invited to attend this hearing and be heard. If you have questions concerning this application please contact the Building & Zoning Department at 618-667-8734 ext. 4 or [buildingzoning@troyil.us](mailto:buildingzoning@troyil.us).

Linda Taake  
Building & Zoning  
Administrative Coordinator

Public Notified: April 26, 2024

Media Notified: April 26, 2024



**APPLICATION FOR  
TEMPORARY SPECIAL  
USE PERMIT**

**1. Names of all owners:**

Name Steve Friedrich phone: 418-910-7279  
 Address 205 W Jefferson St, Columbus, IL 62236  
 Name Ray Brown phone: 418-558-3070  
 Address 300 State St 158 Moultrie, IL 62209

**2. Property Information:**

Street address or location of property 107 McDonald St  
 Present use(s) of property Storage Units  
 Present zoning of property Commercial

**3. Temporary use information:**

a. Nature of request for temporary use For sale of state approved fireworks from June 22, 24 - July 1, 24 wherein a portion of proceeds will be donated to the local Foster Care Organization

b. Applicant's interest in property Family owned property 20+ years

c. Official description and map, plat or site plan showing the location, entrance, exit, etc. of the requested temporary use must be attached to application

d. Name of the order or decision of the Code Enforcement Official

e. The reason the applicant for a temporary use permit would be granted will attract more business to surrounding businesses, and be paying sales tax to city, + sell benefit Foster Children.

Building & Zoning Dept.  
 886 E. Market Street  
 Troy, Illinois 62294

(618) 667-8734 ext. 4  
 www.troy.il.gov  
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7. What effect will the proposed temporary use have on the value of the neighborhood property? Will draw additional customers to the surrounding businesses.
8. What effect will the proposed temporary use have on the City's overall property values will be improving sales taxes?
9. What effect will the proposed temporary use have on public utility services such as water, sewer, gas, etc.? No increase in services required, improving rather.

In the consideration of the requested temporary use permit, the Planning Commission and City Council, once they have approved the City of Troy Code of Ordinances ONLY. In the event the temporary use permit is granted by the City Council, the City of Troy does not warrant or guarantee that this temporary use permit will conform to any restrictions which may be described in the applicant's deed, lease or subdivision restriction. The City of Troy may not have authority to grant temporary use permits for those restrictions, if they exist.

I hereby certify that all of the above information given herein and in the attachments hereto is true and correct to the best of my (my) knowledge.

Witness my hand and seal of office this 26<sup>th</sup> day of April, 2024.

[Signature]  
 Signature of Owner

Steven Fielding  
 Printed name of Owner

[Signature]  
 Signature of Owner

Paul Berman  
 Printed name of Owner

Prepared by \_\_\_\_\_ Fee Paid 250 \_\_\_\_\_ Recd. by \_\_\_\_\_



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(8)

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003

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McDonald's

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11/11 2/16/2013

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310

006

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(8)

87

307.00

371.49

274 AC

009:008

009:003

45

021

Prop

- sparklers;
- toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains (16 mg) or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion;
- toy pistol paper or plastic caps that contain less than twenty hundredths grains (13 mg) of explosive mixture.

While the Act states that the sale and use of these novelty effects are permitted at all times, Section 3.4 of the Act gives municipalities the authority to enact an ordinance prohibiting the sale and use of sparklers on public property.

### APPROVED CONSUMER FIREWORKS

As defined by the Act, all Consumer Fireworks must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101.

In addition to complying with this definition, the Office of the Illinois State Fire Marshal requires Consumer Fireworks meet the following requirements to be approved by this Office:

1. The Consumer Fireworks must be labeled "1.4G Consumer" or must be 1.4S fireworks classified as UN0337 intended for outdoor consumer use.
2. The American Fireworks Standards Laboratory (AFSL) must have inspected the Consumer Fireworks. It is the Consumer Distributor's and Consumer Retailer's responsibility to ensure that the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides have been tested and meet AFSL standards. The Consumer Distributor/Retailer shall maintain records verifying AFSL testing and compliance for the Consumer Fireworks he or she distributes, sells, offers for sale, exchanges for consideration, transfers, or provides.
3. The Consumer Fireworks must be ground mounted. No handheld Consumer Fireworks shall be approved.

### Approved Consumer Fireworks are limited to the following types of fireworks:

1. **Cones including Showers of Sparks, Fountains, and Repeaters (also known as Cakes)**  
Single tube fountains must not contain more than 75 grams total of pyrotechnic composition. Cone fountains must not contain more than 50 grams total of pyrotechnic composition. Multiple-tube fountains must not contain more than 500 grams total of pyrotechnic composition.
2. **Mines, Comets, Tubes, Shells, Fancy Florals, and Parachutes**  
These items are firework devices designed to produce low-level aerial effects, which are propelled into the air by a lift charge. Shells will burst at the peak of flight to create a display of stars, reports or other effects or leave a trail of sparks until exhausted. These items contain a maximum of 40 grams of chemical composition and no more than 20 grams of lift charge.

Consumer Fireworks Retailers/Distributors registered with OSFM may sell approved Consumer Fireworks to consumers who have and display a valid Consumer Fireworks Display Permit, issued by the local county or municipality to that consumer.

### PROHIBITED CONSUMER FIREWORKS

OSFM prohibits all Consumer Fireworks unless they meet the above-listed approval requirements. Prohibited Consumer Fireworks include, but are not limited to, the following:

- Handheld fireworks

**END OF DOCUMENT**