



# ZONING ORDINANCE

Adopted August 2, 2004 (Ordinance 2004-21)

And as amended as noted

Prepared by:

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**Table of Contents**

**ARTICLE 1 – GENERAL PROVISIONS AND SAVING CLAUSES..... 1**

SECTION 1-1 PURPOSE ..... 1

SECTION 1-2 JURISDICTION .....2

SECTION 1-3 INTERPRETATION .....2

SECTION 1-4 DISCLAIMER OF LIABILITY .....2

SECTION 1-5 SEPARABILITY .....3

SECTION 1-6 REPEALER.....3

SECTION 1-7 WHEN EFFECTIVE.....3

**ARTICLE 2 – DEFINITION..... 4**

SECTION 2-1 CONSTRUCTION OF TERMS .....4

SECTION 2-2 SELECTED DEFINITIONS.....5

**ARTICLE 3 – GENERAL ZONING REGULATIONS..... 21**

SECTION 3-1 ESTABLISHMENT OF DISTRICTS AND ZONING DISTRICT REGULATIONS .....21

SECTION 3-2 ZONING MAP AND DISTRICT BOUNDARIES .....29

SECTION 3-3 GENERAL PROHIBITION .....30

SECTION 3-4 UNLISTED USES PROHIBITED.....31

SECTION 3-5 TEMPORARY AND PORTABLE STRUCTURES/USES.....31

SECTION 3-6 ONE BUILDING AND ALL YARDS ON ONE LOT.....31

SECTION 3-7 ACCESS REQUIRED .....31

SECTION 3-8 FRONT SETBACKS – CORNER/THROUGH LOTS .....32

SECTION 3-9 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS .....32

SECTION 3-10 INTRUSION INTO YARDS .....32

SECTION 3-11 EXCEPTIONS TO HEIGHT LIMITS .....32

SECTION 3-12 ACCESSORY USES .....33

SECTION 3-13 SCHEDULE: AREA AND BULK REGULATIONS; PARKING REQUIREMENTS .....34

SECTION 3-14 SCHEDULE: PERMITTED AND SPECIAL USES.....34

**ARTICLE 4 – SUPPLEMENTARY ZONING REGULATIONS..... 36**

SECTION 4-1 APPLICABILITY OF ARTICLE .....36

SECTION 4-2 RECREATIONAL VEHICLES AND CAMPING TRAILERS .....36

SECTION 4-3 FENCES AND WALLS .....37

SECTION 4-4 AUTOMOTIVE (MOTOR VEHICLE) SERVICE STATIONS.....37

---

SECTION 4-5 HOME OCCUPATIONS.....	38
SECTION 4-6 NURSING HOMES .....	43
SECTION 4-7 JUNK YARDS .....	43
SECTION 4-8 SANITARY LANDFILLS .....	43
SECTION 4-9 SCHOOLS.....	43
SECTION 4-10 SWIMMING POOLS .....	43
SECTION 4-11 AERIALS, ANTENNAS, TELECOMMUNICATION TOWERS AND FACILITIES, AND UTILITY SUBSTATIONS .....	44
SECTION 4-12 MANUFACTURED (MOBILE) HOMES.....	46
SECTION 4-13 PUBLIC BUILDINGS .....	48
SECTION 4-14 KENNELS.....	49
SECTION 4-15 AGRICULTURAL ACTIVITIES .....	49
SECTION 4-16 LIGHTING CONTROLS .....	49
SECTION 4-17 PRIVACY SCREENING.....	50
SECTION 4-18 ADULT ENTERTAINMENT ESTABLISHMENTS.....	51
SECTION 4-19 DUMPSTER/TRASH DISPOSAL.....	51
SECTION 4-20 PLANNED DEVELOPMENTS .....	51
SECTION 4-21 ABOVE GROUND STORAGE TANKS.....	64
SECTION 4-22 EXTERIOR BUILDING DESIGN AND MATERIALS .....	64
SECTION 4-23 INDIVIDUAL SEWAGE SYSTEMS.....	65
SECTION 4-24 SIGNS .....	66
<b>ARTICLE 5 – SUPPLEMENTARY OFF-STREET PARKING AND LOADING REGULATIONS.....</b>	<b>73</b>
SECTION 5-1 APPLICABILITY OF ARTICLE .....	73
SECTION 5-2 PARKING DESIGN AND MAINTENANCE STANDARDS.....	74
SECTION 5-3 PARKING SURFACES .....	78
SECTION 5-4 STORM WATER AND DETENTION.....	78
SECTION 5-5 LOCATION OF PARKING .....	79
SECTION 5-6 LANDSCAPING OF PARKING LOTS .....	80
SECTION 5-7 COMPUTATION OF REQUIRED PARKING SPACES .....	81
SECTION 5-8 PARKING SPACES REQUIRED .....	82
SECTION 5-9 OFF-STREET LOADING FACILITIES – DESIGN AND LOCATION STANDARDS .....	87
SECTION 5-10 REQUIREMENT FOR LOADING SPACES .....	87
<b>ARTICLE 6 – NON -CONFORMITIES.....</b>	<b>89</b>
SECTION 6-1 PURPOSE OF ARTICLE .....	89
SECTION 6-2 NON-CONFORMING LOTS .....	89

---

SECTION 6-3 NON CONFORMING STRUCTURES ..... 90

SECTION 6-4 NON CONFORMING USES OCCUPYING A STRUCTURE ..... 90

SECTION 6-5 NON-CONFORMING USE OF LAND ..... 91

SECTION 6-6 OPEN LAND, NON-CONFORMING USE ..... 92

SECTION 6-7 NON-CONFORMITIES UNDER PERMIT AUTHORITY ..... 92

**ARTICLE 7 – ADMINISTRATION AND ENFORCEMENT ..... 93**

SECTION 7-1 CODE OFFICIAL..... 93

SECTION 7-2 BUILDING PERMITS ..... 93

SECTION 7-3 PROCEDURES UPON VIOLATION ..... 94

SECTION 7-4 EMERGENCY MEASURES ..... 95

SECTION 7-5 COMPLAINTS..... 95

SECTION 7-6 PENALTIES AND REMEDIES FOR VIOLATION ..... 95

SECTION 7-7 REVIEW UNDER ADMINISTRATIVE REVIEW LAW ..... 95

**ARTICLE 8 – SPECIAL USES AND AMENDMENTS ..... 96**

SECTION 8-1 PLANNING COMMISSION ESTABLISHED..... 96

SECTION 8-2 SPECIAL USE PERMITS ..... 96

SECTION 8-3 TEMPORARY USE PERMITS ..... 99

SECTION 8-4 AMENDMENTS ..... 100

**ARTICLE 9 - MATTERS ENTRUSTED TO THE BOARD OF APPEALS..... 102**

SECTION 9-1 BOARD OF APPEALS ESTABLISHED ..... 102

SECTION 9-2 APPEALS ..... 103

SECTION 9-3 VARIANCES..... 105

SECTION 9-4 FILING FEES ..... 107

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Be it ordained by the City Council of Troy, Illinois:

## Article 1 – General Provisions and Saving Clauses

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### Section 1-1 Purpose

In accordance with State law, this Ordinance regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare. More specifically, this Ordinance is intended to assist in achieving the following objectives:

- a) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents;
- b) To discourage development of buildings and uses on sites not suited for development;
- c) To protect the character and stability of sound existing residential, commercial and industrial areas;
- d) To conserve and increase the value of taxable property throughout this municipality;
- e) To ensure the provision of adequate light, air and privacy to the occupants of all buildings;
- f) To provide adequate parking and access for all buildings and lots;
- g) To reduce congestion on the public streets and highways and to regulate and control population density;
- h) To protect property from damage caused by fire, or by flooding and poorly controlled storm water runoff;
- i) To guide the provision of water, sewer, storm water, and other utilities and municipal services;
- j) To reduce the initial costs and future maintenance expenses of public and private improvements and services through thoughtful planning;
- k) To gradually eliminate existing structures and uses that impede achievement of the above objectives; and
- l) To regulate the building height.

### **1-1.1 SCOPE**

In order to achieve the objectives enumerated in Section 1, this Ordinance

- a) Divides this entire municipality into districts, and permits in each district only those structures and uses that are compatible with the character of such district;
- b) Regulates lots size, and the bulk, setbacks, lot coverage, and manner of use of structures;
- c) Imposes supplementary regulations to control certain potentially troublesome structures and uses;
- d) Sets forth standards for off-street parking areas;
- e) Restricts non-conforming lots, structures, and uses that adversely affect the type of development appropriate in each district; and
- f) Establishes zoning administrative and enforcement procedures.

### **Section 1-2 Jurisdiction**

This Ordinance shall be applicable within the corporate limits of Troy, Illinois.

#### **1-2.1 ANNEXED TERRITORY**

Whenever any territory is annexed to the City, the annexed area shall be designated as an "R-1" District classification until such time that an Amendment is passed in accordance with the provisions of Article 8, Section 8-4 of this Ordinance.

### **Section 1-3 Interpretation**

Every provision of this Ordinance shall be construed liberally in favor of this municipality, and every requirement imposed in this Ordinance shall be deemed minimal. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

### **Section 1-4 Disclaimer of Liability**

Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance.

Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this Ordinance, shall be defended by the City of Troy until the final determination of the legal proceedings.

**Section 1-5 Separability**

If any provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Ordinance.

**Section 1-6 Repealer**

All ordinances, and/or parts of Appendix A - Zoning, that conflict with the provisions of this Zoning Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**Section 1-7 When Effective**

This Ordinance shall take effect \_\_\_\_\_, 2011.

Passed by the City Council of Troy, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Adomite_____	Hendrickson_____	Metcalf_____	<u>Total:</u>
Brannon_____	Italiano_____	Partney_____	____Yea
Evans_____	Lanahan_____		____Nays

Approved by the Mayor of Troy, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

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## Article 2 – Definition

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### Section 2-1 Construction of Terms

In construing the intended meaning of terminology used in this Ordinance, the following rules shall be observed:

- a) Words and phrases shall have the meanings respectively ascribed to them in Section 2-2 unless the context clearly indicates otherwise; terms not defined in Section 2-2 shall have their standard English meanings.
- b) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- c) Words used in the present tense shall include the future tense.
- d) Words used in the singular number shall include the plural number, and the plural the singular.
- e) The term “shall” is mandatory.
- f) The term “may” is discretionary.
- g) The term “this municipality” shall mean the City of Troy, Illinois.
- h) The words “lot”, “parcel”, “tract”, and “site” shall be synonymous.
- i) The words “building and/or structures” shall include all nonliving improvements upon the land.
- j) The phrases “used for”, “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for” shall be synonymous.
- k) All distances shall be measured to the nearest integral foot; six inches or more shall be deemed one foot.
- l) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- m) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.



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## Section 2-2 Selected Definitions

**Abutting:** As applied to lots, “abutting” means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

**Access Way:** A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

**Accessory Structure:** A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building.

**Accessory Use:** Any structure or use that is:

- a) Subordinate in size or purpose to the principal use or structure which it serves;
- b) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and
- c) Located on the same lot as the principal use or structure served.

**Addition:** An increase of building area, aggregate floor area, height or number of stories of a structure.

**Adjacent:** Lying near, in the vicinity of, next to, adjoining.

**Adjoining:** Touching or contiguous.

**Advertising:** See Signs.

**Agriculture:** Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term “agriculture” encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

**Aisle:** A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

**Alley:** A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

**Alter:** To change the size, shape, or use of a structure.

**Alteration:** Any structural change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, or girders.

**Amendment:** A change in the provisions of this Ordinance (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

**Anchor:** Any approved device to which a mobile or manufactured home is tied down to keep it firmly attached to the stand on which it is placed.

**Animal Hospital:** Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**Antenna Structures:** Any antenna or parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

**Apartment:** A room or suite of rooms used as a dwelling for one family which does its cooking therein within a multiple family building.

**Approved:** Accepted by a City of Troy official or other authority having jurisdiction.

**Asphalt:** A mixture of petroleum by-products and gravel used for paving to form an impermeable, all-weather and dustless surface.

**Attached:** As applied to buildings, “attached” means having a common wall and/or a common roof.

**Auditorium:** A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc.

**Automobile (motor vehicle) Service Station:** Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile (motor vehicle) fuels stored only in underground tanks located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, and other minor accessories, and minor automobile (motor vehicle) repair, but not including a bulk plant, conduct of major motor vehicle repairs, motor vehicle wrecking, motor vehicle sales, or motor vehicle laundries (car washes), however, that the washing of individual’s motor vehicles where no chain conveyor is employed, may be included.

**Automobile Laundry (Car Wash):** A building or portion thereof containing facilities for washing motor vehicles, providing space, water, equipment or soap for washing of motor vehicles by the operator or customer. Production line methods using mechanical devices are permitted.

**Bar and/or Cocktail Lounge:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five percent of the gross receipts.

**Basement:** A story having one-half or more of its height below the average level of the adjoining ground.

**Bed and Breakfast:** Bed and breakfast shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a 12-month period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

**Billboard:** A sign advertising a commodity, business, service, or event not available or conducted upon the premises where such sign is located or to which it is affixed.

**Block:** An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless the exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

**Boarding House:** A building or portion thereof—other than a hotel, motel, or apartment hotel—containing lodging rooms for three or more persons who are not members of the keeper’s family, and where lodging and/or meals are provided by prearrangement and for definite periods.

**Building:** Any covered structure intended for the shelter, housing, or enclosure of persons, animals or personal property; the term building shall be construed to include the term structure.

**Building Height:** The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

**Building Line:** The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

**Building, Enclosed:** A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

**Building, Principal:** A non-accessory building in which the principal use of the premises is conducted.

**Bulk:** Any one or any combination of the following:

- a. Size or height of structure;
- b. Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- c. Yards or setbacks;
- d. Lot coverage.

**Business:** An occupation, employment, or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold or where services are offered.

**Camping Trailer/Recreational Vehicle:** A mobile structure designed for temporary occupancy.

**Camping Trailer Park:** A lot developed with facilities for accommodating temporarily occupied camping trailers.

**Canopy:** An open-sided, roof-like structure, usually self-supporting and detached, erected primarily to provide shelter from the weather.

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**Carport:** A roof-like structure open on at least two sides, usually formed by the extension of the roof from the side of the building, primarily used to provide shelter for vehicles parked outdoors. Carports not open on at least two side shall be considered a garage and shall comply with the provisions set forth for garages.

**Car Wash:** See “Automobile Laundry.”

**Catering Service or Establishment:** To provide food and/or alcoholic beverages for large dinners, banquets, and the like.

**Child Care Center:** See “Nursery School.”

**Church:** A building designed or used for regularly scheduled worship services.

**Clinic:** An establishment where licensed medical practitioners or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

**Closed Construction:** Any building component, assembly or system manufactured in such a manner that all portions cannot readily be inspected at the installation site without disassembly, damage to, or destruction thereof.

**Club/Lodge:** A nonprofit association or persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**Code Official:** The official appointed by the Mayor with the advice and consent of the City Council to administer this Ordinance, or his representative.

**Commercial Use/Establishment:** Any use or establishment wherein goods and/or services are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

**Community Residence:** A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.

**Condominium:** A form of cooperative ownership which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific apartments that meets all required Illinois laws.

**Conforming:** In compliance with the applicable provisions of this Ordinance.

**Convalescent Home:** A building used as a medical care facility for persons who need non-permanent, short-term nursing care, medical service or therapy, but do not require intensive hospital care.

**Convenience Shop:** Any small retail commercial or service establishment offering goods/services.

**Corner Lot:** See “Lot, Corner.”

**Day Care Center:** See “Nursery School.”

**Deck:** An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

**Dependent Mobile Home:** A mobile home which does not have toilet and bath or shower facilities.

**Detached:** As applied to buildings, “detached” means surrounded by yards on the same lot as the building.

**Develop:** To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

**Developer:** Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, and developing or proposing to develop land within the corporate limits; may be synonymous with “subdivider.” In the event that the developer or subdivider is not the record owner, then both shall sign and be responsible for all submittals and the performance thereunder.

**District Zoning:** A portion of the territory of this municipality wherein certain uniform requirements of various combinations thereof apply to structures, lots and uses under the terms of this Ordinance.

**Driveway:** A gravel or hard surfaced minor way commonly providing vehicular access to a parking area, requiring a minimum width of twelve feet and crushed stone with a minimum depth of four inches.

**Drive-In Restaurant or Refreshment Stand:** An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

- a) Primarily intended for immediate consumption;
- b) Available after a short waiting time; and
- c) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

See “Restaurant, Fast Food.”

**Duplex:** A dwelling which has accommodations for two families.

**Dwelling:** A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public. Modular dwellings on permanent foundations shall be treated in the same manner as conventionally constructed dwellings (see definition for modular and permanent foundation).

**Dwelling, Multiple-Family:** A building or portion thereof containing three or more dwelling units.

**Dwelling, Single-Family:** A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

**Dwelling, Two-Family:** A dwelling containing two dwelling units.

**Dwelling Unit:** One or more rooms designed or used as living quarters by one family. A “dwelling unit” always includes a bathroom and a kitchen.

**Dwelling Unit Area:** The sum of dwelling areas of several floors of a building, excluding basements, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings.

**Easement:** A right to use another person’s real property for certain limited purposes.

**Employee Parking:** Parking spaces reserved especially for the businesses’ employees.

**Enlarge:** To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

**Erect:** To build or to construct.

**Establishment:** Either of the following:

- a) An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
- b) An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
  1. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
  2. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

**Existing:** Existing, constructed or in operation, on the effective date of this Ordinance.

**Extend:** To increase the amount of floor area or land area devoted to an existing use.

**Family:** One person, or two or more persons related by blood, marriage or legal adoption; or up to four unrelated persons maintaining a common household in a dwelling unit.

**Fast Food Restaurant:** See “Restaurant, Fast Food.”

**Freight Terminal:** A building to which freight is brought by truck, air or railroad freight cars for later distribution.

**Frontage:** The lineal extent of the front (street side) of a lot.

**Garage:** A structure designed and intended for the storage of motor vehicles, whether free of charge or for compensation.

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**Garage Sale<sup>1</sup>:** The offer to sell, or sale to the public of new or used merchandise conducted on premises where applicable zoning restrictions do not allow such sales as a permitted use.

**Government:** The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

**Home Occupation:** An accessory use of a dwelling unit for a business, profession or occupation conducted for revenue purposes. A home occupation is incidental to the primary use of the building as a residence and is practiced by a member of the family residing on the premises.

**Home Occupation Conditional Use Permit<sup>2</sup>:** A permit issued by the City Council only after a public hearing by the Planning Commission as required in this section involving or relating to an occupation other than those listed in Section 4-5.

**Home Occupation Permit<sup>3</sup>:** A permit issued by the Zoning Administrator for a home occupation that is authorized by the Home Occupation section without hearing.

**Hospital:** Any institution providing health services, primarily for in-patients, emergency medical care, and surgical care of the sick or injured.

**Hotel:** An establishment containing lodging accommodations exclusively designed for use by travelers or temporary guests; permanent residents are not allowed. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms.

**Immobilize:** As applied to a manufactured (mobile) home, “immobilize” means to remove the wheels, tongue and hitch and place on a permanent foundation.

**Immobilized-Manufactured (Mobile) Home Dwelling:** An immobilized-manufactured (mobile) home structure that is of particular design to permit the exclusive use and occupancy thereof as living quarters for one family.

**Immobilized-Manufactured (Mobile) Home or Immobilized-Home Structure:** A manufactured (mobile) home transferred to that which is “real property”, distinguished from that which is “personal property”, by virtue of causing the structure to rest in whole on a permanent foundation. Having been designed and constructed as a manufactured (mobile) home, the lack of mobility, for whatsoever cause, does not render the structure not a manufactured (mobile) home. Mobility or portability is germane, that is, when portability is removed from a manufactured (mobile) home by causing it to rest in whole on a permanent foundation, it remains a manufactured (mobile) home. The transformation brought about

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1 As per Ordinance 2001-08 amending Article 4 Section 5 Home Occupations adopted March 19, 2001.

2 As per Ordinance 2001-08 amending Article 4 Section 5 Home Occupations adopted March 19, 2001.

3 As per Ordinance 2001-08 amending Article 4 Section 5 Home Occupations adopted March 19, 2001.



by the act of causing the manufactured (mobile) home to rest in whole on a permanent foundation is the act to transform the manufactured (mobile) home from that which is personal property to that which is real property.

**Intensify:** To increase the level or degree of.

**Intersection:** The point at which two or more public rights-of-way (generally streets) meet.

**Junk Yard:** An open area of land or an accessory structure that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition or parts thereof, and metals, glass, paper, plastic, rags, and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard. A “junkyard” includes an automobile wrecking yard but excludes similar uses taking place entirely within a completely enclosed building.

**Kennel:** Any structure or premises or portion thereof on which more than three dogs, cats, or other household domestic animals, over four months of age, are kept or on which more than two such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for purpose of sale.

**Laboratory (Research):** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Landscaping Service:** A service that professionally arranges or improves sections of ground by contouring the land and planting flowers, trees or shrubs. This does not include tracts of land used for raising and transplanting these items for sale. See “Nursery.”

**Loading Space:** The temporary parking space of a commercial vehicle generally required for loading and unloading merchandise, materials or goods that directly service the consumer.

**Lot:** A tract of land used or developed as a unit, under single ownership or under single control. A “lot” may or may not coincide with a “lot of record.”

**Lot, Corner:** A lot having at least two adjacent sides that abut for their full length upon any public right-of-way. Both such side lines shall be deemed front lot lines.

**Lot, Through:** A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lines of a lot, but not including any area occupied by the waters of a duly recorded lake or river.

**Lot Coverage:** The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**Lot Coverage, Maximum:** The maximum percentage of lot that can be occupied by buildings or structures, including accessory buildings or structures.



**Lot Depth:** The average horizontal distance between the front lot line and the rear lot line of a lot.

- a. Lot Line, Front: Any lot boundary abutting any public right-of-way.
- b. Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot line on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.
- c. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

**Lot of Record:** An area of land designated as a lot on a plat of subdivision recorded or registered with the Recorder of Deeds of Madison County, Illinois, in accordance with State law.

**Lot Size Requirement:** Refers to the lot area, width, and depth requirements of the applicable district.

**Lot Size/Bulk Variance:** A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot size/bulk variance is associated with the property.

**Lot Width:** The mean horizontal width of a lot measured at right angles to the side lot lines at the building line.

**Maintenance:** The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

**Major Thoroughfare:** A traffic way with at least two lanes in each direction. It may or may not be a freeway, arterial street, secondary arterial street or collector street.

**Manufactured (Mobile) Home:** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air conditioning, and electrical systems. All manufactured (mobile) homes constructed after June 15, 1976 must comply with the National Manufactured Home Construction and Safety Standards Act of 1974. These standards apply uniformly across the country. Compliance with this standard is indicated by a red metal label permanently affixed to the rear of each towable unit.

**Manufactured (Mobile) Home or Manufactured (Mobile) Home Structure:** A moveable or portable vehicular structure designed and constructed for permanent occupancy, having plumbing, electrical and mechanical systems, and so designed and constructed as to permit its transport on wheels, temporarily or permanently attached to its own chassis, from the place of its construction to the location or subsequent locations at which it is intended to be occupied, connected to utilities, for year round occupancy, and having no need for a permanent foundation. (A manufactured (mobile) home resting in whole on a permanent foundation shall be construed as an "immobilized manufactured (mobile) home.") The term shall include (1.) structures containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity, and

(2.) structures composed of two or more separately towable components designed to be joined into one integral structure capable of being separated again into the component parts for repeated towing. Modular buildings or modular building structures are not manufactured (mobile) homes or manufactured (mobile) home structures. The term shall include units designed to be used for dwelling, business, educational or industrial uses.

**Manufactured (Mobile) Home Park:** A tract of land or two or more contiguous tracts of land upon which contain sites with the necessary utilities for two or more independent manufactured (mobile) homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such manufactured (mobile) home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured (mobile) home park if they are maintained and operated jointly.

**Manufactured (Mobile) Home Stand:** The part of a manufactured (mobile) home space beneath the manufactured (mobile) home that may include the concrete slab, runners or rock, piers, and plastic on which the home is anchored to.

**Meeting room:** All structures which are designed or occupied for the gathering together of persons for the purposes such as civic, social, or religious functions.

**Mini-Warehouses:** A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals for a monthly fee.

**Minor's Miscellaneous Seasonal Work<sup>4</sup>:** Work performed by a person under the age of eighteen on a part-time basis that is seasonal in nature such as lawn mowing and snow removal.

**Modular Building or Modular Building Structure:** A building assembly or system of building sub-assemblies, designed for habitations as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. These types of units may be either panelized (floor, wall and roof panels are assembled at the final site) or sectional (the home is shipped as a box-like configuration.) The State-approved manufactured housing unit must comply with the currently adopted One and Two Family Dwelling Code, the currently adopted Illinois State Plumbing Code, and the currently adopted National Electric Code. All approved modular homes will have a yellow seal on the electric panel box of the home or on the inside of the kitchen sink cabinet. And unlike manufactured (mobile) homes, the City of Troy may require additional items other than the minimum State requirements to be incorporated into the construction.

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<sup>4</sup> As per Ordinance 2001-08 amending Article 4 Section 5 Home Occupations adopted March 19, 2001.

**Motel:** Lodging for motorists, usually with blocks of rooms opening directly onto a parking area; permanent residents are not allowed. Also called a motor court.

**Motor Vehicle:** Any passenger vehicle, truck, truck-trailer, tractor, tractor trailer, trailer or semi-trailer propelled or drawn by mechanical power.

**Motor Vehicle Repair, Major:** The general repair, engine rebuilding or reconditioning of motor vehicles, collision service, such as body, frame and fender straightening and repair, and painting of motor vehicles.

**Motor Vehicle Repair, Minor:** Incidental repairs, replacement of parts and motor service of any motor vehicles but excluding any operation specified under “Motor Vehicle Repair, Major.”

**Motor Vehicle Service Station:** See “Automobile Service Station.”

**Nightclub:** A bar, restaurant, coffee house, or similar establishment where a dance floor or entertainment is provided.

**Non-conforming:** As applied to a lot, structure, or use, “non-conforming” means: (1) lawfully existing on the effective date of this Ordinance, but (2) not in compliance with the applicable provisions thereof.

**Nuisance:** Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**Nursery:** A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

**Nursery School:** An establishment for the part-time care and/or instruction (at any time of day) of four or more unrelated children of predominately pre-elementary school age.

**Nursing Home:** A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

**Occupancy:** The purpose for which a building or portion thereof is used.

**Occupied Land Area** (*For computing off-street parking and loading space requirements*): That area of a lot occupied by all buildings, structures and accessory uses which in combination encompass the operation of the principal use. Occupied land area is normally used in computing required parking for uses that typically are not completely enclosed. Examples are vehicle sales lots and outdoor recreational facilities. Any parcel of land that is considered occupied space shall be improved to the discretion of the Zoning Official.

**Office:** Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

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**Open Construction:** Any building component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation side without disassembly, damage to, or destruction thereof.

**Open Space:** Any land developed as yards, parks, recreation areas, including community centers, and landscaped green areas, exclusive to area developed for off-street parking.

**Owner:** Any individual, corporation, partnership or other legal entity having possessory interest entitled to exclusive possession in land, buildings or possessions.

**Parcel:** Contiguous land in one ownership.

**Park:** Land used for active or passive recreation, owned or controlled by a park district, school district, county district, homeowner's association, or other city or governmental entity or non-profit organization.

**Off-Street Parking Area:** Land that is improved and used primarily for outdoor storage of any vehicle that has an axle and wheels, for free of charge or compensation. This includes, but is not limited to, passenger motor vehicles, trucks, campers, boats, motor homes, mobile homes, and recreational vehicles both on road and off-road. An "off-street parking area," depending on the circumstances of its use, may either be a principal or accessory use.

**Off-Street Parking Space:** An area at least twenty feet long and ten feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

**Parking Lot:** See "Off-Street Parking Area."

**Patio:** An at-grade paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

**Permanent Foundation:** A below grade formation, or a substructure formation below the tier of beams nearest to grade, consisting of materials such as concrete, mortared concrete block or mortared brick, used to transmit the loads of a structure to firm substrata, which formation shall include, but not necessarily be limited to, cellars, basements, crawl spaces, floating concrete mats with frost walls, piers and/or pilings extending into the ground below the frost line or to solid rock.

**Permanent Habitation:** A period of thirty or more consecutive days.

**Permanent Resident:** The term permanent resident shall include any person who occupies any home, apartment, room or rooms in a motel/hotel, or any other dwelling unit for at least thirty consecutive days.

**Permitted Uses:** Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

**Person:** An individual, firm, association, organization, or corporate body.

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**Plan:** The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

**Planned Development<sup>5</sup>:** A residential or commercial development on a parcel of land in single ownership and consisting of two or more buildings having any yard, court, parking or loading space in common.

**Porch:** A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

**Portable Building:** A moveable structure which is not permanently affixed to a permanent foundation.

**Prefabricated Building or Prefabricated Building Structure:** A completely assembled and erected building designed and constructed for permanent occupancy, of which fifty percent or greater of the structural parts consist of individual prefabricated structural units (such as a beam, girder, plank, strut, column, or truss) and prefabricated building subassemblies (such as an assembled section of a wall, ceiling, floor, or roof, which may be of closed or open construction) that are transported from the place of manufacture to the building site to be incorporated into the building by field erection of such structural units and building subassemblies, having need of a perimeter formation permanent foundation. The term shall include buildings designed and intended to be used for dwelling, business, educational, or industrial use occupancy.

**Prefabricated Module:** A built up combination of prefabricated building subassemblies (consisting of at least the floor, walls, and ceiling) constructed and arranged forming an attachable cell or set of rooms which is of closed construction, designed and intended to be transported without need of its own chassis from the place of its manufacture to the building site where it is to be arranged and united with one or more other such cells or units of rooms forming a modular building.

**Premises:** A lot and all the structures and uses thereon.

**Principal Building/Structure/Use:** The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

**Private Street:** Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

**Public Way:** Any sidewalk, street, alley, highway or other public thoroughfare.

**Reconstruct:** As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.

**Recreational Vehicle:** See "Camping Trailer/Recreational Vehicle."

**Recreational Vehicle (RV) Park:** See "Camping Trailer Park."

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<sup>5</sup> As per Ordinance 2006-29 amending Article 4 Section 20 Planned Developments adopted November 6, 2006

**Refuse:** Garbage (food wastes) and trash, but not sewage or industrial wastes.

**Relocate:** To move to another portion of a lot or to a different lot.

**Repair:** To restore to sound condition, but not to reconstruct.

**Restaurant:** A business where the dispensing of edible foods and/or beverages on the premises is the principal business operation; including a cafeteria, coffee shop, lunch room, tea room, and dining room, but not including a drive-in or fast food restaurant.

**Restaurant, Drive-in:** A restaurant that dispenses foods and/or beverages to persons in parked or stopped motor vehicles.

**Restaurant, Fast Food:** A restaurant whose principal business is the dispensing of edible foods and/or beverages in disposable containers to be eaten on the premises or taken out. This type of restaurant is usually self-service and may include a drive-thru service window.

**Retail:** Refers to the sale of goods and services directly to the consumer rather than to another business.

**Right-of-Way, Public:** A strip of land which the owner/subdivider has dedicated to the city or to another unit of government for streets and alleys.

**Sanitary Landfill:** A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency.

**School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including pre-kindergartens, elementary schools, junior and senior high schools, including trade, business, or commercial schools

**Service Station:** See "Automotive Service Station."

**Setback:** The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

**Sign:** Any fabricated sign or outdoor display structure, including its structure, consisting of any letter character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminating device, which constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors for recognized advertising purposes. Also see Section 4-24.

**Skirting:** The cover affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

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**Special Use:** A use that has unusual operational, physical, or other characteristic which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit. A special use permit shall not be transferable.

**Special Use Permit:** A permit issued in accordance with the provisions of this Code to regulate development of a special use.

**Stable:** A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

**Storage Building:** A structure designed to keep or store goods and equipment. Said building is not designed for occupancy by families or individuals.

**Stoop:** A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

**Stop Work Order:** A type of corrective action order used by the zoning administrator or his designee to halt work in progress that is in violation of this Ordinance.

**Storage, Outdoor:** The outdoor accumulation of vehicles, equipment or products, or materials for permanent or temporary holding.

**Story, Above Grade:** Any story having its finished floor surface entirely above grade.

**Street:** A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

**Street Line:** The street right-of-way line abutting a lot line.

**Structure:** Anything constructed or erected on the ground, or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.

**Structure, Temporary:** Any structure that is not attached to a permanent foundation.

**Subdivider:** See "Developer."

**Subdivision:** Any division of land into two or more lots, except as provided otherwise in the list of exceptions set forth in the Plan Act (Ill. Com. Stat., Ch. 765 @ 205/1). The term subdivision includes resubdivision.

**Subdivision, Minor:** A division of land into two but not more than four lots, all of which front upon an existing street, and not involving any new streets, other rights-of-way, easements, improvements or other provisions for public areas and facilities.

**Swimming Pool:** Any structure that contains water two feet or greater in depth. This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas.



**Tavern:** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.

**Temporary Use Permit:** A permit issued in accordance with the provisions of this Ordinance and valid for not more than one year, plus the optional extension period of one year, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

**Topography:** The relief features or surface configuration of an area.

**Trailer:** A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, or skirting, and has been equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character.

**Uniplex:** A dwelling which has accommodations for two families, divided by a common or party wall, in which each family area is separately owned.

**Use:** The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

**Utility Substation:** A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

**Variance:** See "Lot Size/Bulk Variance."

**Warehouse:** A place in which goods or merchandise are stored.

**Wholesale:** Refers to the sale of goods or services by one business to another business.

**Yard:** Open space that is unobstructed except as specifically permitted in this Ordinance and that is located on the same lot as the principal building.

**Yard, Front:** A yard which is bounded by the front lot line and the building line.

**Yard, Rear:** A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

**Yard, Side:** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

**Yard Line:** A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

**Zoning Map:** The map(s) and any amendments thereto designating zoning districts. The zoning map is incorporated into this Ordinance.



## Article 3 – General Zoning Regulations

### Section 3-1 Establishment of Districts and Zoning District Regulations<sup>6</sup>

In order to implement this Ordinance, and to achieve the objectives in Article 1, the entire municipality is hereby divided into the following zoning districts:

DISTRICT	DESIGNATION
Agricultural Reserve	A-R
Single-Family Residential	R-1
Single-Family Residential	R-1A
Two-Family Residential	R-2
Multi-Family Residential	R-3
Manufactured Home	M-H
Neighborhood Commercial	C-1
General Commercial	C-2
Highway Commercial	C-3
Old Town	C-4
Planned Developments	PD-B and PD-R
Light Industry	I-1
General Industry	I-2

#### **3-1.1 AGRICULTURAL RESERVE – A-R ZONING DISTRICT**

The A-R district is intended to protect predominately agricultural land from intense and disorderly development. Territory located on the periphery of the corporate limits is generally agricultural/undeveloped or sparsely developed. As such areas are annexed to the city it is the intent of this district to preserve and maintain the present land uses until such time that proper infrastructure can be extended to adequately serve such property to accommodate orderly development.

*Area and bulk regulations:* Refer to Schedule 13. *Land uses in an A-R zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

<sup>6</sup> As per Ordinance 2011-10 amending Article 3-1 Establishment of Districts and Zoning District Regulations

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### **3-1.2 SINGLE-FAMILY RESIDENTIAL – R-1 ZONING DISTRICT**

The R-1 district is intended to provide low-density residential development, including those uses that reinforce residential neighborhoods, and to allow certain public facilities.

*Area and bulk regulations:* Refer to Schedule 13.

*Land uses in an R-1 zoning district:* Single family dwellings and related accessory uses are permitted. For a general listing of permitted and special uses, refer to Schedule 14.

*Off street parking requirements:* Refer to Section 5-2.

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### **3-1.3 SINGLE-FAMILY RESIDENTIAL – R-1A ZONING DISTRICT**

The R-1A low density zoning district is established to stabilize and conserve existing neighborhoods that predominately consist of single family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development. This district is also intended to be used as a buffer between single family dwellings and different uses/districts such as commercial/industrial uses or multi-family uses. It shall be at the discretion of the Planning Commission and the City Council as to where these R-1A districts will be permitted.

*Area and bulk regulations:* Refer to Schedule 13.

*Land uses in an R-1A zoning district:* Single family dwellings and related accessory uses are permitted. For a general listing of permitted and special uses, refer to Schedule 14.

*Off street parking requirements:* Refer to Section 5-2.

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### **3-1.4 TWO-FAMILY RESIDENTIAL – R-2 ZONING DISTRICT**

The R-2 medium density zoning district is established to stabilize and conserve existing neighborhoods that predominately consist of single family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development. This district is also intended to be used as a buffer between single family dwellings and different uses/districts such as commercial/industrial uses or multi-family uses.

*Area and bulk regulations:* Refer to Schedule 13.

*Land uses in an R-2 zoning district:* Attached single family dwellings (villas, duplexes and uniplxes) and related accessory uses are permitted. For a general listing of permitted and special uses, refer to Schedule 14.

*Off street parking requirements:* Refer to Section 5-2.

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### **3-1.5 MULTI-FAMILY RESIDENTIAL – R-3 ZONING DISTRICT**

The R-3 zoning district is established to provide high density residential developments consisting of attached single-family dwellings over two units (multi-family dwellings), apartments, condominiums, and town homes. However, multi-family development within the City shall not permit temporary housing or facilitate, arrange, offer or provide the services and amenities that are typically associated with a traditional hotel or other related business. It shall be at the discretion of the Planning Commission and the city council as to where these R-3 districts will be permitted.

*Area and bulk regulations:* Refer to Schedule 13.

*Land uses in an R-3 zoning district:* Multi family dwellings and related accessory uses are permitted. For a general listing of permitted and special uses, refer to Schedule 14.

*Off street parking requirements:* Refer to Section 5-2.

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### **3-1.6 MANUFACTURED HOME – M-H ZONING DISTRICT**

*Area and bulk regulations:* Refer to Schedule 13.

*Land uses in an M-H zoning district:* Single family dwellings and related accessory uses are permitted. For a general listing of permitted and special uses, refer to Schedule 14.

*Off street parking requirements:* Refer to Section 5-2.

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### **3-1.7 NEIGHBORHOOD COMMERCIAL – C-1 ZONING DISTRICT**

The C-1 business district is primarily intended to accommodate low intensity retail, office, and personal service uses adjacent to residential areas within the City of Troy and the 1.5 mile planning radius outside the city limits. The district is established to provide convenient locations for businesses that generally serve the needs of surrounding residents and the immediate community without disrupting the character of the neighborhood in which the use is located. It is not intended to accommodate retail uses that primarily attract passing motorists. Compatibility with nearby residences is paramount and should be reflected in the design and site layout of buildings and structures within the district. The uses in the C-1 district should constitute an integral part of the neighborhood in which they are located and should be a low impact usage.

*Area and bulk regulations:* Refer to Schedule 13.

*Drive-thru lanes:* Not permitted in C-1 except ATM's.

*Illumination:* Illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential uses, lots, and streets.

*Land uses in a C-1 zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

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*Manufacturing prohibited:* No manufacturing or processing of material shall occur in the C-1 zoning district for off-premises consumption or use. Only incidental processing may occur on a zoning lot in the C-1 zoning district.

*Outside building or storage:* Not permitted in C-1.

*Parking area:* Refer to Section 5-2.

*Restricted business hours:* Businesses in this district may be open to the public from 6 a.m. to 9 p.m. Sunday through Thursday and from 6 a.m. to 10 p.m. Friday and Saturday.

*Signage:* Signs must be attached to the building. Maximum size of signage is 1/100<sup>th</sup> (1 percent) of the plan building area, but in no case shall this area be greater than 15 square feet. Sign lighting must be off during hours when business is closed.

*Trash disposal facilities:* All outside trash or disposal facilities within the C-1 zoning district shall be located in the rear of the zoning lot and the building on the lot. Each building shall have its own centrally located disposal area, regardless of the number of tenants in the building. 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.

*Utilities:* All utilities within the developed property will be installed underground. 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 so as to blend with and complement the character of the surrounding area.

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### **3-1.8 GENERAL COMMERCIAL – C-2 ZONING DISTRICT**

The C-2 business district is primarily intended to accommodate a wide range of retail, service, and office use, but with a lesser intensity than the C-3 Highway Commercial District. Within this district, it is the purpose of these regulations to facilitate the establishment of conditions suitable for the operation of small businesses catering to the public. The district is established to provide the local community and to a lesser extent passing motorists with uses similar to those found in the C-3 Highway Commercial but with an emphasis on smaller scale operations. Typically, this district would be located along thoroughfares and at the intersections of collector streets and arterial streets within the City of Troy and the 1.5 mile planning radius outside the city limits. Compatibility with nearby residences and businesses is paramount and should be reflected in the design and site layout of buildings and structures within the district. The uses in the C-2 district should constitute an integral part of the surrounding area in which they are located and should be a medium impact usage.

*Area and bulk regulations:* Refer to Schedule 13.

*Drive thru lanes:* Are permitted in C-2 with a maximum of 5 lanes.

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*Illumination:* Illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential, commercial uses or lots.

*Land uses in a C-2 zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

*Manufacturing:* Manufacturing or processing of goods, foods, or service materials that occur in the C-2 zoning district for consumption or use by the local general public is permitted. Manufacturing of large scale goods to be used in a regional or national area is prohibited in the C-2 zoning district.

*Outside building or storage:* No outside storage permitted without privacy screening installed per Section 4-17.2.

*Parking area requirements:* Refer to section 5-2.

*Signage:* Variable message boards must be dimmed from dusk to dawn. Refer to Section 4-24.

*Trash disposal facilities:* All outside trash or disposal facilities within the C-2 zoning district shall be located in 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.

*Utilities:* All utilities from the property line onto the property will be installed underground. All 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 so as to blend with and complement the character of the surrounding area. All plans for screening said facilities shall be submitted to the Planning Commission for review. No building permit shall be issued until the Planning Commission has approved said plans.

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### **3-1.9 HIGHWAY COMMERCIAL – C-3 ZONING DISTRICT**

The C-3 business district is primarily intended to accommodate a wide range of retail, service, office, and other business uses located along major thoroughfares and state highways within the City of Troy and the 1.5 mile planning radius outside the city limits. The district is established to provide locations for uses and establishments that cater extensively to passing motorists and require a fairly high degree of visibility with good access. The district would also accommodate multiple retail/service developments such as low rise shopping centers, office parks, big box stores, and similar higher intensity uses. Compatibility with nearby businesses is paramount and should be reflected in the design and site layout of buildings and structures within the district. The uses in the C-3 district should constitute an integral part of the surrounding area in which they are located and should be a high impact usage.

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*Area and bulk regulations:* Refer to Schedule 13.

*Drive thru lanes:* Are permitted in C-3 with a maximum of 5 lanes.

*Illumination:* Illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential, commercial uses or lots.

*Land uses in a C-3 zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

*Manufacturing:* Manufacturing or processing of goods, food, or service material that occur in the C-3 zoning district for consumption or use by the local general public is permitted. Manufacturing of large scale goods to be used in a regional or national area is prohibited in the C-3 zoning district.

*Outside building or storage:* No outside storage without privacy screening installed per Section 4-17.2.

*Parking area requirements:* Refer to section 5-2.

*Signage:* Variable message boards must be dimmed from dusk to dawn. Refer to section 4-24.

*Trash disposal facilities:* All outside trash or disposal facilities within the C-3 zoning district shall be located in 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.

*Utilities:* All utilities from the property line onto the property will be installed underground. All 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 so as to blend with and complement the character of the surrounding area. All plans for screening said facilities shall be submitted to the Planning Commission for review. No building permit shall be issued until the Planning Commission has approved said plans.

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### **3-1.10 OLD TOWN – C-4 ZONING DISTRICT**

The C-4 business district is primarily intended to accommodate a wide range of retail, service, office, and other business uses located in the center of the old business district of the City of Troy. The district is established to provide locations for uses and establishments that cater to a wide range of retail, service, and office use to passing motorists and local families with a fairly high degree of visibility with good access. The district would also accommodate the remodeling of existing buildings. Compatibility with the old down town area by businesses is paramount and should be reflected in the design and site layout of building and structures within the district. The uses in the C-4 district should constitute

an integral part of the surrounding area and promote the image of an old town shopping and dining area and encourage a healthy gathering place and walking area.

All buildings in the C-4 district will be evaluated on the plans submitted to the City of Troy Building and Zoning Department. The requirement 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.

*Illumination:* Illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential or commercial uses or lots.

*Land uses in a C-4 zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

*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.

*Outside building or storage:* Not permitted in C-4.

*Signage:* Variable message boards must be dimmed from dusk to dawn. Refer to Section 4-24.

*Trash disposal facilities:* All outside trash or disposal facilities within the C-4 zoning district shall be located in 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.

*Utilities:* All utilities from the property line onto the property will be installed underground. All 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 so as to blend with and complement the character of the surrounding area. All plans for screening said facilities shall be submitted to the Planning Commission for review. No building permit shall be issued until the Planning Commission has approved said plans.

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### **3-1.11 PLANNED DEVELOPMENTS<sup>7</sup>**

See Section 4-20 Planned Developments for requirements regarding types of planned developments, permitted uses, minimum site sizes, etc.

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### **3-1.12 LIGHT INDUSTRY – I-1 ZONING DISTRICT**

The I-1 Light Industry District is intended to provide for areas where light industry, research facilities and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

*Area and bulk regulations:* Refer to Schedule 13.

*Illumination:* Illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential uses, lots, and streets.

*Land uses in an I-1 zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

*Outside building or storage:* No outside storage permitted without privacy screening installed per Section 4-17.2.

*Parking area requirements:* Refer to Section 5-2.

*Signage:* Refer to Section 4-24.

*Trash disposal facilities:* All outside trash or disposal facilities within the I-1 zoning district shall be located in the rear of the zoning lot and the building on the lot. Each building shall have its own centrally located disposal area, regardless of the number of tenants in the building. 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.

*Utilities:* All utilities within the developed property will be installed underground. 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 so as to blend with and complement the character of the surrounding area.

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<sup>7</sup> As per Ordinance 2006-29 amending Article 4 Section Planned Developments adopted November 6, 2006.



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### **3-1.13 GENERAL INDUSTRY – I-2 ZONING DISTRICT**

The I-2 General Industry District is intended to provide for areas where heavy industries may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

*Area and bulk regulations:* Refer to Schedule 13.

*Illumination:* Illumination of buildings and structures shall be controlled so as to preclude the spillage of light onto adjoining residential uses, lots, and streets.

*Land uses in an I-2 zoning district:* For a general listing of permitted and special uses, refer to Schedule 14.

*Outside building or storage:* No outside storage permitted without privacy screening installed per Section 4-17.2.

*Parking area:* Refer to Section 5-2.

*Signage:* Refer to Section 4-24.

*Trash disposal facilities:* All outside trash or disposal facilities within the I-2 zoning district shall be located in the rear of the zoning lot and the building on the lot. Each building shall have its own centrally located disposal area, regardless of the number of tenants in the building. 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.

*Utilities:* All utilities within the developed property will be installed underground. 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 so as to blend with and complement the character of the surrounding area.

### **Section 3-2 Zoning Map and District Boundaries**

The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this municipality. The zoning map, including all notations and other information thereon, is hereby made a part of this Ordinance by reference. Official copies of the zoning map shall be kept on file in the office of the Code Official or other appropriate official. In the event there is a conflict between the zoning district given for a legal description of any parcel, and the description on the map, the zoning district given to the legal description shall apply.

### **3-2.1 ANNUAL PUBLICATION**

In accordance with State Law, the Code Official shall publish the City's zoning map not later than March 31<sup>st</sup> of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

#### *3-2.1.1 Annexation Requirements*

All territory annexed into the City of Troy will be classified as the most restrictive use (R-1). When new territory is being annexed into the City of Troy and such territory needs its current zoning district changed, the City must follow procedures described in Section 8-4.

### **3-2.2 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION**

In determining with precision what territory is actually included within any zoning district, the Code Official shall apply the following rules:

- a) Where a district boundary as indicated on the zoning map approximately follows the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:
 

1. Center line of any street, alley or highway	Such centerline
2. Lot line	Such lot line
3. Railroad tracks	Center right-of-way line of such track
4. Streams	Center of such stream
5. Section, fraction or survey line	Such line
- b) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

## **Section 3-3 General Prohibition**

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Ordinance. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Ordinance.

### **3-3.1 AGRICULTURAL EXEMPTION**

The provisions of this Ordinance shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a

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tract of land ceases to be used primarily for agricultural purposes, all pertinent provision of this Ordinance shall apply to that portion.

### **Section 3-4 Unlisted Uses Prohibited**

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. Any use that is not listed within Schedule 14 shall be subject to the review process described in Section 3-14 (b).

### **Section 3-5 Temporary and Portable Structures/Uses**

Except as specifically provided otherwise in the Ordinance, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. The Planning Commission is responsible for either recommending or not recommending a temporary use permit to the City Council. The City Council will make the final decision regarding the temporary use permit. Temporary use permits shall not exceed one year from the time of approval; however, an extension period of one additional year may be obtained from the City Council.

### **Section 3-6 One Building and All Yards on One Lot**

Except as specifically provided otherwise:

- a) Only one principal building or structure shall be permitted on any residential lot; and
- b) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.
- c) Land contained with lakefront lots that is under water when the lake is at its highest level, shall not be counted in determining compliance with minimum lot size requirements.

### **Section 3-7 Access Required**

No building or structure shall be erected on any lot unless such lot abuts or has a permanent access easement to a public street or a private street. Such permanent easement serving only one lot shall have a minimum width of twelve feet.

### Section 3-8 Front Setbacks – Corner/Through Lots

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

### Section 3-9 Front Setbacks in Certain Built-up Areas

Except as specifically provided otherwise, in the residential zoning districts and in the commercial zoning districts, where existing development has already established a setback line, then new developments in that block shall meet that established setback line.

### Section 3-10 Intrusion Into Yards

Except where principal buildings are commonly attached (for example, in the downtown commercial area), no part of a principal building on one lot shall be closer than ten feet from any part of a principal building located on an abutting lot. However, so long as this overriding constraint is observed, certain intrusions into required yards are permitted as indicated below:

FEATURES	MAXIMUM INTRUSIONS
a) Cornices, chimneys, planters, or similar architectural features	Two feet
b) Fire escapes	Four feet
c) Canopies*, carports*, covered balconies*, decks*, patios*, porches*, roof overhangs	Four feet
d) Porches, not enclosed*	Six feet
e) Driveways, patios	No limit

\* Enclosure of existing balconies, canopies, carports, decks, patios, porches and sun/season rooms shall have no permitted intrusions and shall meet all setback requirements of the zoning district in which they are located.

### Section 3-11 Exceptions to Height Limits

a) Necessary appurtenances: Chimneys, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations by twenty percent for the district in which they are located if they comply with all other pertinent ordinances of this municipality.

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- b) Intersections: On corner lots, in the triangular portion of land bounded by intersecting property lines and a line adjoining these property lines at points thirty feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between three feet and ten feet above the level of the adjacent street.

### Section 3-12 Accessory Uses

An “accessory use” means any structure or use that is:

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

#### 3-12.1 GENERAL STANDARDS

- a) In all residential and C-1 zoning districts, accessory structures shall be limited to nine hundred square feet and one-story (fifteen feet) for permanent structures and two hundred square feet and one-story (fifteen feet) for temporary or portable structures.
- b) 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 nine hundred 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.
- c) Accessory structures shall not be permitted on any lot unless a principal building exists.
- d) If an accessory use is attached to the principal structure, it shall be considered part of that principal structure.
- e) Roof overhangs on accessory structures not attached to the principal structure shall not encroach more than two feet into the required setback distance.
- f) Accessory structures shall be located in back yards only and set back five feet from any lot line.
- g) All permitted uses, height and area requirements shall also be enforced in accordance with Schedule 13 and Schedule 14 of this ordinance.

#### 3-12.2 SPECIFICALLY PROHIBITED ACCESSORY USES

The following accessory uses are strictly prohibited unless expressly permitted in particular zoning district(s):

- a) Use of an accessory structure as a dwelling.

- b) Use of accessory structures being used as the principal building for any office or business. (Also see Section 4-12)
- c) Use of an accessory structure in any part of a home occupation.
- d) 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.

### **3-12.3 LIMITATIONS**

See Schedules (Art. 3, Secs. 13, 14) for limitations and Schedule listings located at the end of this Ordinance.

### **Section 3-13 Schedule: Area and Bulk Regulations; Parking Requirements**

To facilitate public understanding of this Ordinance and for the better administration and convenience of use thereof, the regulations limiting the dwelling unit density, the heights, bulk and arrangements of buildings, and requiring minimum off-street parking for each of the districts established by Section 3-1 hereof (or specified use), are set forth in Schedule 13 hereof. Such Schedule 13 is hereby adopted and declared to be an integral part of this Ordinance, and it may be amended in the same manner as any other part of this Ordinance.

### **Section 3-14 Schedule: Permitted and Special Uses**

- a) To facilitate public understanding of this Ordinance and for the better administration and convenience of use thereof, the regulations designating permitted uses, permitted accessory uses, special uses and specifically prohibited uses for each of the districts are established by Section 3-1. Schedule 14 is intended and declared to be an integral part of this Ordinance by designating permitted uses in each zoning district and it may be amended in the same manner as any other part of this Ordinance. If a proposed use is not clearly defined in Schedule 14, the matter shall be referred to the Code Official. The Code Official may confer with the City Administrator and City Attorney. The Code Official shall consider the nature of the proposed use and determine if it is substantially similar to a use listed in Schedule 14. The factors to be considered include, but are not limited to: size of the structure, traffic likely to be generated, the presence of manufacturing, assembly or preparation at the proposed site, and the degree of similarity with clearly permitted uses. If the Code Official determines that the proposed use is substantially similar to a permitted use, the proposed use shall be considered as permitted and shall be subject to the limitations that would apply to such clearly permitted similar use. All such designations of substantially similar uses shall be reported to the City Council and the Planning Commission. Any proposed use that is not so characterized as substantially similar to a clearly

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permitted use shall be considered as a prohibited unlisted use. An amendment or special use permit, as applicable, may be sought.

- b) Each column refers to a specific district that lists the permitted uses and read vertically under a district column.
- c) Limitations and requirements in Schedule 14 as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for the district referred to. Where reference is made in Schedule 14 to another section or provision of this Ordinance, such section or provision referred to shall thereby be incorporated as an integral part of the requirements including such reference. All provisions of this Ordinance shall apply as integral parts of this Section although not specifically cited as a column.

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## Article 4 – Supplementary Zoning Regulations

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### Section 4-1 Applicability of Article

This Article established lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail.

### Section 4-2 Recreational Vehicles and Camping Trailers

The regulations of this Section do not apply to camping trailers or other similar recreational vehicles (RVs) parked in permitted camping trailer parks or lots permitting camping trailer sales. The regulations of this Section do include all motor vehicles, motor homes, trailers, boats, boat trailers, campers, vehicle carriers or any other similar trailer or recreational vehicle that is not parked on any permitted camping park or sales lot.

- a) No motor home, trailer, boat, boat trailer, camper, vehicle carrier or any other similar trailer or recreational vehicle shall be parked on any public right-of-way street or alley unless approved by the City of Troy.
- b) No camping trailer or other similar recreational vehicle shall be used as living quarters (other than in a camping trailer park).
- c) No camping trailer or other similar recreational vehicle shall be used as an office or for any other commercial use. However, construction trailers may be used as field offices on large construction sites at the Code Official's discretion.
- d) No motor vehicle, motor home, camping trailer, boat, boat trailer, RV or other similar recreational vehicle shall be parked on any front or side yard that abuts a street except on a driveway. When any of these vehicles are parked in any rear yard or side yard abutting a lot, such parking area and driveway access shall consist of at least four inches of crushed stone.
- e) No motor vehicle, motor home, camping trailer, RV or any other similar recreational vehicle shall be parked on any front, side or rear yard in any multi-family use or dwelling, including duplexes, unless a driveway is provided. No more than two recreational vehicles including boats and trailers shall be parked on any lot including a driveway in any zoning district. However, no restrictions shall be placed upon the allowable number of recreations vehicles that may be parked on the lot of a permitted business that sells such vehicles.



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- f) Accessory parking spaces and their means of access shall not allow or permit yard to become unsightly or poorly maintained with nuisances such as ruts, mud or tall weeds or grass.

### **Section 4-3 Fences and Walls**

- a) No sharp-pointed fence or barbed wire fence shall be erected or maintained anywhere in the residential districts. In the commercial or industrial districts a barbed wire fence is allowed if the barbed wire is above eight feet.
- b) No fence, wall or other obstruction shall be erected within any public right-of-way without the written approval of the Code Official.
- c) No fence, wall, tree, shrub or any other obstruction shall be permitted in any easement or within any street or alley right-of-way, except by written approval of the City of Troy. No obstruction shall violate the Illinois Drainage Code. In order for repair and maintenance services to be performed, utilities shall have the right to destroy any such improvements or obstacles within any right-of-way or easements and shall only be responsible to restore the area back to its natural grade.
- d) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections (see Section 3-11 (b).) No fence, wall or other obstructions in any front yard area shall exceed four feet in height or in any rear or side yard exceed eight feet in height unless a commercial or industrial lot abuts the rear or side yard of a residential lot, then privacy screening requirements must be followed (see Section 4-17).

### **Section 4-4 Automotive (Motor Vehicle) Service Stations**

- a) All service facilities, and fuel pumps, including those used for gasoline, diesel and propane, shall be located a minimum of twenty-five feet from any street right-of-way line, side lot line, or rear lot line.
- b) All fuel pumps used to provide the dispensing of all fuels shall be located in such a manner that they do not prohibit the movement of motor vehicles that are not being fueled from passing the dispensing area or interfering with any parking lot access way.

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## Section 4-5 Home Occupations<sup>8</sup>

The intent of this section is to provide peace, quiet, and domestic tranquility within all residential neighborhoods within the City, and to alleviate or limit excessive noise, excessive traffic, nuisance, fire hazard, and other anticipated adverse effects of commercial uses being conducted in residential areas. The intent is not to require permits of those persons under the age of eighteen who are engaged in miscellaneous part-time seasonal work such as lawn mowing or snow shoveling.

### 4-5.1 WHEN PERMITTED

Notwithstanding other sections of this Section a home occupation may be conducted in zones R-1, R-2, R-3 and M-H, provided that it shall be unlawful to conduct such home occupation without the prior issuance of a home occupation permit or home occupation conditional use permit, except for the following: 1. A public auction provided that such auction is held no more than one time each calendar year and takes place for no more than two consecutive days; 2. Garage sales, subject to the conditions set forth below; and 3. Minor's miscellaneous seasonal work.

- a) Garage Sales: It shall be unlawful to conduct a garage sale unless such sale is in compliance with the following requirements:
  1. Sales shall last no longer than three consecutive days.
  2. Sales are held no more than twice yearly at any one location.
  3. Sales are conducted on a person's then owned or rented dwelling property provided that multi-family sales are permitted if they are held on property then owned or rented for dwelling purposes by one of the participants.
  4. No goods purchased for resale may be offered for sale.
  5. No consignment goods may be offered for sale.
  6. All directional advertising signs shall be freestanding and shall be removed after completion of the sale.
  7. No directional or advertising signs shall be larger than two feet by three feet.

### 4-5.2 ISSUANCE OF HOME OCCUPATION PERMITS

A home occupation permit shall be issued by the Zoning Administrator, upon application to the office of said official and payment of a sum equal to the annual permit fee, without a hearing, provided that the home occupation is owned solely by the applicant, and conforms to all of the applicable requirements of this section, and is one or more of the following occupations:

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<sup>8</sup> As per Ordinance 2001-08 amending Article 4 Section5 Home Occupations adopted March 19, 2001.

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1. Dressmaking, sewing, and tailoring.
  2. Artistic painting, sculpturing, art restoration, art studio or writing.
  3. Telephone answering or telephone soliciting if no part of the business equipment is installed outside of the residence other than the telephone cables or wires.
  4. Home crafts, such as model making, rug weaving, and lapidary work.
  5. Tutoring, limited to one student at a time.
  6. Home cooking or preserving if conducted solely within the residence.
  7. Computer programming if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
  8. Secretarial service, accounting service, typing service, word processing service if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
  9. Babysitting and child daycare.
  10. Direct sale product distribution.
  11. Laundry, ironing service, housecleaning.
  12. Mail orders, not including retail sales from the site.
  13. Stock and bond broker, financial planner, and estate planner.
  14. Builder's or contractor's office so long as no part of the business is carried on outside of the residence.

Any appeal of a denial of such application shall be to the Planning Commission. The Planning Commission shall hold a public hearing prior to issuing its recommendation to the City Council. After receiving the recommendation of the Planning Commission, the City Council shall determine by a majority vote whether to grant or deny the permit.

#### **4-5.3 STANDARDS**

All home occupations, whether authorized by permit or conditional use permit, shall conform to the following standards:

- a) Home occupations shall not be conducted in any dwelling on the premises other than the building that is used by the occupant as the private dwelling.
- b) No interior or exterior business sign shall be larger than two square feet in area. The sign shall be unlighted and installed only on the dwelling building itself.

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- c) There shall be no exterior or outbuilding storage of business equipment, materials, merchandise or inventory. No equipment materials, merchandise or inventory may be stored in the yard of the residence.
  - d) Any occupation that requires licensing, registration or permits, by state or federal statute or requirements, or by city ordinance or requirements must be at the time of the application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such license or permits.
  - e) There shall be a specific area set aside for the home occupation that shall not exceed twenty-five percent of the total living area of such residence.
  - f) Home occupations shall not utilize more than a total of two persons either as an employee, an independent contractor, a volunteer, or in any other capacity to render service in the performance of such occupation, and both of such persons shall reside in the residence wherein the home occupation is conducted.
  - g) Off-street parking requirements of the Code of Ordinances of the City of Troy, Illinois, shall be complied with.
  - h) Home occupations shall not be capable of creating either a nuisance or a fire hazard with respect to neighboring property, and shall not substantially increase the vehicular traffic.
  - i) A home occupation conditional use permit may be issued subject to the conditions, the violation of which shall be grounds for revocation of such permit.
  - j) Home occupations shall not initiate or receive deliveries of occupation related items, supplies, materials or inventory between the hours of 6:00 p.m. and 9:00 a.m.

#### **4-5.4 INSPECTIONS**

Upon reasonable suspicion that the permittee is in non-compliance with the standards set forth in this ordinance or that the permittee may be engaged in an occupation that may be harmful to the health, safety or welfare of the public, the Building and Zoning Department shall have the right at any time, upon reasonable request, to enter and inspect only the premises covered by the permit (e.g. only the business area) for safety and compliance purposes.

#### **4-5.5 NONTRANSFERABILITY OF PERMITS**

Home occupation and home occupation conditional use permits are not transferable from person to person or from one building to any other building, except as set forth in this section in the case of death of the permittee.

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#### 4-5.6 GENERAL PROVISIONS

- a) Nonconforming uses. All nonconforming uses or home occupations that existed and continue to exist from the date of the original zoning ordinance may continue to exist unless revoked or terminated as provided in this section. All existing uses or home occupations that are operating based on a special use permit issued prior to the effective date of this ordinance may continue to operate subject to the provisions of the original permit. Those previously issued special uses permits subject to periodic renewal by the Planning Commission, or the City may be reviewed and requirements of this section may be applied at time of review.
- b) Death of permit holder. Should a home occupation permit holder or home occupation conditional use permit holder die, the existing permit shall be automatically terminated, except that should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the Zoning Administrator within thirty days of the permittee's death, and the surviving spouse or child shall become the permittee and shall be subject to the requirements of this section.
- c) Revocation of conditional use permits. Home occupation conditional use permits, once granted, may be revoked by the City Council for cause after a hearing before the Planning Commission. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by either the Planning Commission, or any three persons who reside at three different locations within one city block of where such occupation is conducted. All such revocation hearings shall be conducted in accordance with applicable publication and notice requirements as used for home occupation conditional use permit application hearings.
- d) Revocation of home occupation permits. The Zoning Administrator may revoke any home occupation permit for noncompliance with the criteria set forth in this section and appeal of such revocation shall be allowed as set forth in Subsection 4-5.6(c).
- e) Modification of requirements. Modifications of the above regulations may be approved by the City Council in individual cases of applications for home occupation conditional use permits if the modification is found by the City Council to be in the best interests of the City.
- f) Time limits in applying for permit. All home occupations being conducted in violation of this section shall, within sixty days after the adoption of the ordinance from which this section derives, apply for the necessary permit or conditional use permit as the case may be, and enforcement of this section shall be stayed for such sixty days and, if application is made, until granting or denial of such application.
- g) Penalty. Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this section, shall, upon conviction, be subject to penalty provisions as set forth in the Zoning Code. In addition, the City Council may revoke the home occupation conditional use permit or the home occupation permit.

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#### 4-5.7 APPLICATIONS

- a) The initial fee for a home occupation permit shall be \$50, and the annual renewal fee for such permit shall be \$10 and shall be payable no later than January 31 of the year for which the permit is renewed.
- b) The initial fee for the home occupation conditional use permit shall be \$300 and shall be paid with the application for such permit which shall be filed with the City Clerk. The first annual renewal fee for a home occupation conditional use permit shall be \$200 and the second and each annual renewal fee thereafter for a home occupation conditional use permit shall be \$100, and all such renewal fees shall be paid by January 31 of the year for which the permit is renewed.
- c) No reduction in annual permit fees shall be allowed for permits issued after January 1 of any year, nor will any refunds be made if permittee ceases the home occupation or when a permit is revoked or denied.
- d) All permits shall expire on December 31 of each year and may be renewed without additional hearings, subject to the requirements of this section. Applicants for renewal shall complete the renewal form prescribed by the City Clerk and pay the annual permit fee.
- e) The application for a home occupation conditional use permit shall be forwarded to the Planning Commission for public hearing. Legal notice of such hearings to be given shall be as required for petition, rezonings, variances and other conditional uses. At the conclusion of such hearing the Planning Commission shall make the recommendation to the City Council and the City Council shall be the sole authority to grant or deny such permit.

#### 4-5.8 SUMMARY DISPOSITION

- a) Notwithstanding other subsections of this section, an application for a home occupation conditional use permit or the appeal of the denial of a home occupation permit by the Zoning Administrator which on its face requests such permit for a home occupation to be conducted in a manner other than as permitted by the section may be summarily denied by the City Council without publication of notice or hearing, and written notice of such denial stating the specific reason therefore shall be given the applicant, such notice to be given by mailing it to applicant at the address shown on the application by prepaid certified return receipt requested United States mail within ten days of the date of such denial.
- b) An applicant who desires to appeal such summary denial may appeal to the City Council by filing a written request therefore with the City Clerk within 14 days of the date of receipt of the summary denial.

### Section 4-6 Nursing Homes

The lot on which any nursing home is situated shall have a minimum width and depth of two hundred feet, and a minimum area of two acres.

### Section 4-7 Junk Yards

After the effective date of this Ordinance no part of any junkyard, that includes any lot on which any three or more inoperable or unlicensed vehicles are stored, shall be operated within this City.

### Section 4-8 Sanitary Landfills

- a) All sanitary landfills shall conform to the rules and regulations adopted by the Illinois Pollution Control Council pursuant to Section 5, 22, and 27 of the Environmental Protection Act and consistent with the policy and purposes expressed in Section 20 thereof. Such rules and regulations contained within "Solid Waste Rules and Regulations," State of Illinois, Environmental Protection Agency.
- b) Sanitary landfills are allowed by special use only.

### Section 4-9 Schools

The lot on which any school is situated shall have the minimum area indicated below:

TYPE OF SCHOOL	MINIMUM LOT AREA
Nursery, Day Care Center	11,500 sq. ft.
Other (elementary, junior high, senior high)	As required by State law B normally four acres, plus one additional acre for every one hundred fifty students in excess of two hundred.

### Section 4-10 Swimming Pools

- a) Pools shall not be located within six feet from any side or rear property line or within ten feet of any public right-of-way or in any front yard.
- b) Every swimming pool two feet or greater in depth, whether public or private, shall be enclosed by a wall or fence at least four feet in height.

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- c) If the pool wall itself is used as the barrier, the wall, at all points around the pool, shall be a least four feet higher than the finished grade for a distance of at least four feet away from the pool wall.
  - d) All access gates shall be self-closing and have a self-latching device located on the pool side of the gate.
  - e) All wiring to operate pool equipment must be installed in conduit or cable designed for direct burial and buried a minimum of eighteen inches below grade. The power source must also be GFI protected.
  - f) Pools shall not be filled until all safety requirements and regulations of the latest adopted building code are met and approved by the City of Troy.

## Section 4-11 Aerials, Antennas, Telecommunication Towers and Facilities, and Utility Substations

### 4-11.1 SPECIAL REGULATIONS FOR AERIALS, ANTENNAS AND TELECOMMUNICATION TOWERS/FACILITIES

- a) Selected definitions:

**Co-Location (Co-Use):** The location of two or more antennas or other telecommunication devices or a single telecommunication tower or other supporting structure.

**Telecommunication Facility:** An unmanned facility consisting of a telecommunication tower and any structures required to provide support services.

**Telecommunication Tower:** A structure, excluding buildings, of at least thirty-five feet in height, that supports telecommunication antenna or other wireless communication equipment for either transmitting or receiving. Design examples of telecommunication towers are described as follows:

1. Monopoles
2. Self-supporting lattice
3. Guyed

The term shall not include equipment used by amateur radio operators that meet the requirements of section below.

- b) Purpose and intent:
  1. To direct the installation of aerials, antennas, telecommunication towers/facilities within the City of Troy.
  2. To protect the public health, safety and welfare.



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3. To protect residential areas and land uses from the potential adverse impact of aerials, antennas, and telecommunication towers.
  4. To minimize adverse visual impact and avoid potential damage to adjacent property owners from tower failure through careful engineering, design, siting and screening.
  5. To accommodate the growing need for telecommunication facilities.
  6. To encourage and promote co-location of existing and new telecommunication facilities as a primary option rather than construction of single-use facilities.
- c) Special regulations:
1. No antenna or similar equipment shall extend more than ten feet above any roof peak in any residential zoning district.
  2. No telecommunication tower/antenna shall be placed upon any building or rooftop unless the tower/antenna is an accessory use to the main use of the building.
  3. The distance from the base of an aerial, antenna or telecommunication tower to the nearest property line shall not be less than the height of the aerial, antenna or telecommunication tower measured from ground level to the top of the aerial, antenna or tower.
  4. Six foot high security fencing shall be installed around the base and guy anchors of all telecommunication facilities.
  5. Closely planted evergreen trees or shrubs at least six feet high shall be planted around the exterior of any security fencing and around the base and guy anchors of a telecommunication facility. Additional deciduous trees at least two inches in girth, plus evergreen trees at least six feet in height shall be planted around the perimeter of the property, near the property lines, upon which a telecommunication facility is located in order to provide additional screening of the tower from passers by.
  6. Any person, firm or corporation wishing to construct a telecommunication tower shall seek permission to co-located or co-use on an existing tower. No person, firm or corporation shall refuse co-location of other equipment.
  7. Any person, firm, or corporation wishing to construct a telecommunication tower and/or facility, shall provide a bond to the City of Troy in the amount of \$25,000 or twenty-five percent of the construction costs, whichever is less. Said bond shall be kept in full force during the time the tower and/or communication facility is in operation.
    - a) The bond shall be conditioned upon full indemnity to the City of Troy should the facility become obsolete and the owner fails to remove said tower and/or facility within six months of becoming obsolete, or in the event the tower or facility falls into a state of disrepair.

#### **4-11.2 UTILITY SUBSTATIONS**

Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, antennas, transmitter or similar facilities shall be deemed a special use, and shall conform to the following regulations:

- a) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least thirty feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- b) In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.
- c) Every such facility shall be screened by close-planted shrubbery at least ten feet in height and of sufficient density to block the view from adjacent property. Furthermore, if the Code Official determines that the facility poses a safety hazard (for example, if there are exposed transformers) he shall require that a secure fence at least eight feet in height be installed behind the planting screen.

### **Section 4-12 Manufactured (Mobile) Homes**

The following requirements are supplementary to other ordinances and regulations of the City and are further supplementary to the statutes, rules and regulations adopted by the State of Illinois, including but not limited to, the Mobile Home Park Act, 210 ILCS 115/1, the Abandoned Mobile Home Act, 210 ILCS 117-1, the Illinois Mobile Home Tiedown Act, 210 ILCS 120/2, and the Rules and Regulations adopted pursuant to those Acts.

#### **4-12.1 MANUFACTURED (MOBILE) HOMES – INDIVIDUAL**

- a) All manufactured (mobile) homes shall be located only in the M-H Zoning District. Only manufactured (mobile) homes that were in place on March 1, 1996 and that are replaced in accordance with Section 4-12.1(b) below are permitted outside of the M-H Zoning District.
- b) Existing manufactured (mobile) homes located outside the Mobile Home (M-H) District may be replaced with another manufactured (mobile) home provided a special use permit has been granted and all the following requirements are met:
  1. It is replaced within thirty days of moving the original manufactured (mobile) home;
  2. It does not exceed either the setbacks of the original manufactured (mobile) home or the setbacks already established where there is existing development; and
  3. The existing manufactured (mobile) home has been used as the owner's place of domicile immediately prior to its removal.

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4. The replacement manufactured (mobile) home must be used by the owner as their permanent place of domicile.
- c) All replacement manufactured (mobile) homes shall be no more than five years old and shall show proof of age by a title or other legal documentation.
1. All manufactured (mobile) homes shall be placed on a manufactured (mobile) home stand consisting of a rock or concrete surface. The surface shall be an appropriate length and width as to allow for installation and removal of manufactured (mobile) homes.
  2. The manufactured (mobile) home stand shall also be furnished with adequate supporting piers spaced a maximum of eight feet apart. The underside of the manufactured (mobile) home must also be provided with four inches of rock and an approved vapor barrier.
  3. All manufactured (mobile) homes shall be connected to all available public utilities in accordance with all requirements for any residential structures in the City.
  4. Manufactured (mobile) homes shall be skirted not more than thirty days after a new manufactured (mobile) home is approved.
- d) Manufactured (mobile) homes located in the M-H Zoning District shall be utilized only as a dwelling unit for owner or renter occupancy.

#### **4-12.2 MANUFACTURED (MOBILE) HOME PARKS AND COURTS**

- a) After the effective date of this Ordinance, no person, firm or corporation shall establish, maintain, conduct, or operate a manufactured (mobile) home park within this City without first obtaining a license from the Illinois Department of Public Health. "Conduct or operate a manufactured (mobile) home park" shall include, but not necessarily be limited to supplying or maintaining common water, sewer or other utility supply or service, or the collection of rents directly or indirectly from five or more independent manufactured (mobile) homes.
1. Such license shall expire each year and a new license shall be issued upon proper application and payment of the annual license fee provided the applicant is in substantial compliance with the Rules and Regulations of the Illinois Department of Public Health.
  2. In order to obtain a permit to construct a new manufactured (mobile) home park the applicant shall file with the Illinois Department of Public Health a written application and the necessary plan documents in compliance with the latest adopted edition of the Illinois Mobile Home Park Act and Code of the Illinois Department of Public Health.
  3. A manufactured (mobile) home park constructed prior to the effective date of the amendatory 1987 Illinois Mobile Home Park Act but not licensed by the Illinois Department of Public Health shall not require a construction permit. A written application for an original license shall be submitted to the Illinois Department of Public Health in compliance with the

latest adopted edition of the Illinois Mobile Home Park Act and Code of the Illinois Department of Public Health.

4. Every park shall be managed by a responsible individual whose name, address and telephone number shall be on file at all times with the Illinois Department of Public Health and whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and shall be responsible, with the licensee, for any violation of the provisions of this section and the Illinois Mobile Home Park Act and Code.
- b) Manufactured (mobile) home parks and/or courts shall be permitted by a special use permit only and shall meet the following requirements:
1. Shall be located on a tract of land not less than two acres.
  2. Shall contain at least two manufactured (mobile) homes.
  3. Minimum Lot Size and Setback Requirements. Individual manufactured (mobile) home spaces shall be considered as lots and shall meet the following requirements:

MINIMUM LOT SIZE AND SETBACK REQUIREMENTS	
Minimum lot size:	Six thousand sq. ft.
Minimum lot depth:	One hundred feet
Minimum lot width:	Fifty feet
Minimum setback requirement:	
From front lot line:	Twenty-five feet
From rear lot line:	Twenty feet
From side lot line:	Ten feet
Minimum distance to a building on an adjacent lot:	Twenty feet

4. Two off-street parking spaces shall be provided per manufactured (mobile) home.
5. No access way may dead-end except as a cul-de-sac with appropriate turn-around space for emergency vehicles as per the standards required in the Troy Subdivision Ordinance.
6. All manufactured (mobile) home parks shall be in full compliance with the latest adopted edition of the Illinois Mobile Home Park Act and Code of the Illinois Department of Public Health.

### Section 4-13 Public Buildings

In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

- a) In any residential district all municipal or other publicly-owned buildings shall be located at least twenty-five feet from all property lines.
- b) In any residential or commercial district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least eight feet in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least twenty-five feet from any front or side property line.

### Section 4-14 Kennels

- a) The lot on which any kennel is situated shall have a minimum area of three acres.
- b) Every kennel shall be located at least two hundred feet from the nearest dwelling, and at least one hundred feet from any lot line.

### Section 4-15 Agricultural Activities

- a) Farm Animals: No barn, stable, shed, or other structure intended to shelter farm animals (including, but not limited to, horses, cattle, hogs and chickens) shall be erected closer than three hundred feet to any existing dwelling or closer than two hundred feet to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than three hundred feet to any existing dwelling or closer than two hundred feet to any lot line or residential property, whichever distance is greater.
- b) No agricultural equipment or commodities, including but not limited to, baled crops, fertilizers, pesticides, or herbicides should be stored outdoors and closer than three hundred feet from any existing dwelling or two hundred feet from any residential lot line, whichever distance is greater.
  - 1. Such equipment or commodities that are stored completely within and enclosed structure shall not be located closer than one hundred feet from any residential lot line.

### Section 4-16 Lighting Controls

Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorists.

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## Section 4-17 Privacy Screening

### 4-17.1 ZONING DISTRICTS ABUTTING DIFFERENT DISTRICTS

Where any commercial or industrial zoning district or use abuts any residential zoning district or use, or where any commercial zoning district or use abuts any industrial zoning district or use, a privacy screen of City approved materials, whether natural or man-made, must be provided by the property owner or developer that abuts the already existing development or zoning district. The following regulations must apply:

- a) The screen must be at least eight feet in height, provide ninety percent density year round and be maintained to original specifications by the property owner as long as the screen is a requirement.
- b) Natural materials may be six feet when planted but must be at least eight feet and provide ninety percent density within three years of occupancy.
- c) All materials must be approved by the Code Official prior to installation or the granting of an occupancy permit.
- d) The following plants are suggested in order to assure compliance with the natural privacy screen requirements:

Pinus Strobus (Eastern white pine)

Pinus Sylvestris (Scotch pine)

Pinus Nigra (Austrian pine)

Picea Pungens (Colorado green spruce)

Taxus X Media (Anglojap Yew, Cultivar: "Hatiieldii", "Hicksii")

Thuja Occidentalis (American Arborvitae, Cultivar: "Pyramidalis")

### 4-17.2 OUTSIDE STORAGE IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Outside storage in any commercial or industrial district must be screened from view from any private or public street, road or right-of-way. This does not include sales lots used for selling boats, motorcycles, recreational vehicles, cars or trucks or other similar display lots.

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### Section 4-18 Adult Entertainment Establishments

All adult entertainment establishments as defined in Chapter 5, Article III, inclusive, of the City Ordinance must meet the following requirements:

- a) Obtain a Special Use Permit as described in Section 8-2 of this Ordinance.
- b) Initiate a Community Impact Statement as described in the City Ordinance referenced above.

### Section 4-19 Dumpster/Trash Disposal

- a) All commercial and industrial uses may be required by the City to provide an adequate on-site trash disposal dumpster.
- b) All existing residential structures that contain more than three units may be required to provide on-site trash disposal dumpster. Said dumpster shall contain a minimum of one-half cubic yard capacity for each apartment unit.
- c) All newly constructed residential structures that contain more than three units shall be required to provide on-site trash disposal dumpster. Said dumpster shall contain a minimum of one-half cubic yard capacity for each apartment unit.
- d) On-site trash disposal dumpsters shall not be permitted in any R-1 or R-2 use as the primary means of trash disposal.
- e) All on-site trash disposal dumpsters shall be screened from view, at least one foot above the height of the dumpster.

### Section 4-20 Planned Developments<sup>9</sup>

- a) Purpose. The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of land development; and to promote a more desirable community environment. The City Council, upon recommendation by the Planning Commission, may, by an ordinance adopted in the same manner as a rezoning is approved, authorize a Planned Development district when the proposed development or use of a specific tract of land or area warrants greater flexibility, control and density than is afforded

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<sup>9</sup> As per Ordinance 2006-29 amending Article 4 Section 20 Planned Developments adopted November 6, 2006.

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under the general regulations of standard zoning districts. These Planned Development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The City Council may, upon proper application, approve a Planned Development to facilitate the use of flexible techniques of land development and site design, by providing relief from conventional zoning standards in order to achieve one or more of the following objectives:

1. Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the district regulations applicable to the property.
  2. Functional and beneficial uses of open space areas.
  3. Preservation of natural features of a development site.
  4. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
  5. Rational and economical in relation to public utilities and services.
  6. Efficient and effective traffic circulation, both within and adjacent to the development site.
- b) Relationship of planned development districts to zoning map.
1. A mapped district. The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation, as detailed in this section, is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.
  2. Plan approval required. It is the intent of this Article that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this section, Article 8 Amendments of the Troy Zoning Code and applicable subdivision regulations of the Subdivision Code.
- c) Coordination with Article 8 Amendments of the Troy Zoning Code and Applicable Subdivision Regulations of the Subdivision Code.
1. When a planned development involves any subdivision activity, the subdivision review and approval procedure requirements contained in the Subdivision Regulations of the Code of Ordinances shall be carried out simultaneously with the review of a Planned Development under this section of this Article. As applicable, reference is made to requirements of the Subdivision Code of the Municipal Code within this section. With regard to these references, the Subdivision Code may contain the term “plat”, which under the PD district requirements is intended to be synonymous with “plan” as appropriate.



2. Since obtaining a PD district designation requires a map amendment (rezoning), the requirements and procedures of Article 8 Amendments shall apply.

#### **4-20.1 TYPES OF PLANNED DEVELOPMENTS**

An area approved for the PD designation shall be assigned one of the following district classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this section.

- a) **Planned Development - Residential (PD-R).** Planned developments involving residential uses only.
- b) **Planned Development - Business (PD-B).** Planned developments involving retail, service, and office commercial uses only.

#### **4-20.2 PERMITTED USES**

- a) Planned development - Residential (PD-R).
  1. Permitted uses shall be established in the conditions of the chapter adopted by the City Council governing the particular Planned Development-Residential district. Specific uses may include those uses designated as permitted or special uses in the R-1, R-2, or R-3 districts.
  2. In addition to those uses included above, the following uses may be designated as permitted uses and established as such in the chapter governing the particular Planned Development-Residential district:
    - A. Patio dwellings;
    - B. Zero lot line residential developments.
- b) Planned Development - Business (PD-B). Permitted uses shall be established in the conditions of the chapter adopted by the City Council governing the particular Planned Development-Commercial district. Specific uses may only include those uses designated as permitted or special uses in the C-1, C-2 or C-3 districts.

#### **4-20.3 MINIMUM PLANNED DEVELOPMENT SITE SIZE**

The minimum site size for any of the Planned Development districts shall be five acres. This minimum site size may be waived by the City Council upon report by the Planning Commission if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood or, if the City Council should determine such waiver to be in the general public interest.

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#### 4-20.4 DENSITY AND DIMENSIONAL REGULATIONS AND PERFORMANCE STANDARDS

a) General Standards.

1. The approval of the Development Plan may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No Planned Development shall be allowed that would result in:
  - A. Inadequate or unsafe vehicular access to the development;
  - B. Peak-hour traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing “level of service D” as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
  - C. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities that serve or are proposed to serve the planned development;
  - D. A failure to comply with the performance standards contained in this Section 5;
  - E. Other detrimental impacts on the surrounding area including, but not limited to, visual and noise pollution.
2. In addition to the above requirements, all planned developments shall be subject to the review criteria established in Section 1 (A). It shall be the responsibility of the applicant to clearly establish that the above requirements are met.

b) Other codes. All requirements of other codes and ordinances of the City (such as Building Code) shall be applicable.

c) Planned Development-Residential (PD-R).

1. **Density.** The density of residential development shall be consistent with the intent of the original underlying residential district(s). While the district regulations specifies upper limits to residential density, density of a Planned Development may be limited to that which is established in the original residential district or that is consistent and compatible with nearby existing developed areas. Conversely, the density limits indicated in the district regulations may be exceeded on portions of the site within a PD-R district as long as the total site density limit is not exceeded. This is referred to as “density transfer”. Additionally, the total site density may be exceeded up to a limit, upon conclusion of the Planning Commission and the City Council that the density bonus provisions contained in division (C) below have been satisfied. This is referred to as “density bonus”.
2. **Calculation of density.**

- A. The computation of density shall be based on dwelling units per net acre for the entire site.
- B. To compute the number of dwelling units per net acre, 15% of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size of the underlying residential district.

The following provides an example of density calculation for a 20-acre tract in a residential district with a proposed minimum lot size of 6,000 sq. ft.:

$$20 \text{ acres} \times 43,560 \text{ square feet per acre} = 871,200 \text{ sq. ft.}$$

$$871,200 \text{ sq. ft.} - (871,200 \times 0.15) = 740,520 \text{ sq. ft.}$$

$$740,520 / 6,000 \text{ sq. ft. min, lot size} = 123 \text{ dwelling units}$$

- C. In situations where a proposed PD-R district overlaps two or more dwelling districts, density shall be calculated separately for the portions of the PD-R district in each of the original residential districts.
3. Density bonus. The Planning Commission may recommend and the City Council may approve an increase in density within a PD-R district, up to a maximum of 20%, which shall be based on the precepts listed below. The density bonuses shall be treated as additives and not compounded.

MAXIMUM PERCENTAGE INCREASE	DESIGN ELEMENT
10%	A minimum of an additional five percent of the net development area devoted to common open space (above the minimum requirement) and improved with public pedestrian ways, bike paths, park land, swimming pools, tennis courts, community centers, club buildings, etc.
5%	Creative site designs and building groupings, that take advantage of natural terrain and resolve existing on-site and off-site water run-off and erosion problems. The provision of storm drainage retention as a site amenity is encouraged. Variations in building design are permissible.
5%	Creative use of landscape materials and the provision of more extensive landscaping than would otherwise be required under the landscaping requirements found elsewhere in this chapter.

If density bonuses (increases) are requested under this section, the applicant shall document all site amenities or improvements for the village's review and consideration.

4. Development phasing. If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or legally provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the City Council. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved PD-R district.
5. Non-residential uses in PD-R developments. Non-residential uses are limited to those specifically listed in the dwelling zoning districts. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the district in which the proposed PD-R development is located.
6. Common open space requirements.
  - A. Common open space shall comprise at least fifteen percent of the gross area of the residential development or be of a size equivalent to one acre for each one hundred persons of expected population of the development, whichever is greater. For purposes of this subsection, the expected population shall be determined by multiplying the total number of dwelling units times two persons per dwelling unit.
  - B. The amount of required common open space may be reduced by an amount equal to twice the total area of private balconies or patios. The balconies or patios shall be accessible to individual dwelling units, consist of at least sixty square feet of outdoor area, and have at least a horizontal dimension of six or more feet. In no case shall the area devoted to common open space be less than ten percent of the gross lot area.
  - C. Common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment of the occupants of the development.
  - D. In addition to the above open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.
    - (1) Of the required common open space, up to one-half of it may be covered by water, flood plain, stormwater detention/retention facilities or left in a natural state.
    - (2) The area of each parcel of open space shall not be less than six thousand square feet in area or less than thirty feet in its smallest dimension. In addition, at least fifty percent of the common open space shall be contiguous or connected via pedestrian/bicycle paths.

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- (3) To the extent practicable, common open spaces should be distributed equitably throughout the development in relation to the dwelling units that such common open space is intended to serve. The open space shall not be isolated in one corner of a development, but shall be highly accessible (physically and/or visually) to the residents of the development.
- E. Where common open space is to be provided in a subdivided residential development, the use, operation, and maintenance of areas for common open space, common ground, and common buildings shall be guaranteed by the establishment of a trust indenture providing for such by a subdivision association or trustees. Said indenture shall be approved by the City Attorney prior to recording the indenture simultaneously with the recording of the final plat.
7. Perimeter buffer requirements.
- A. Where a PD-R development proposes residential development along the perimeter of the site, that is higher in density than that of an adjacent dwelling district, there shall be a minimum 30 foot wide buffer area. The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower density residential property.
- B. Where a PD-R development abuts a commercial or industrial use or district, there shall be a minimum 30 foot wide buffer area. This buffer area shall be permanent and landscaped and/or otherwise provided with screening (such as sight proof fencing) so as to effectively screen the commercial or industrial use from the PD-R development.
8. Payment for allocation. In addition to providing the required areas of common open space within the residential development, the owner/developer shall pay to the City the sum of \$500 per dwelling unit. This payment shall be allocated to one or more of the following accounts as determined by the City Council: (1) a Street Improvement Account; (2) a Sewer Plant Capital Improvement Account; or (3) a City Enhancement (“Street Scaping”) Account. This payment shall be paid at the time of approval of the final plat of the subdivision by the City Council. If the payment is not made to the City at such time, the Mayor shall not sign the final plat for recording purposes.
- d) Planned Development-Business (PD-B).
1. Site coverage. Total site coverage by uses permitted in the PD-B districts shall be 70%, except as permitted to be exceeded in accordance with subsection (b) below.
  2. Site coverage bonus. The Planning Commission may recommend and the City Council may approve an increase in maximum site coverage from 70% up to 90%. In order to qualify for this bonus, the development plan must demonstrate compliance with four or more of the following performance criteria:

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- A. Incorporate storm drainage retention facilities as a site amenity.
  - B. Install storm drainage detention facilities underground.
  - C. Increasing parking lot landscaping by 50% more than otherwise required.
  - D. Submitting for approval developments on tracts that are five or more acres in size.
  - E. Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property.
  - F. Construction of separate-grade pedestrian and bicycle paths.
  - G. Providing for screened loading areas.
  - H. Demonstration of a development using innovative architectural, site planning and land use design and of such quality as to set an excellent example for subsequent development or redevelopment projects.
  - I. Any other performance criteria that further the goals, objectives and policies of the Comprehensive Plan and that, in the opinion of the Planning Commission and City Council warrant the approval of development bonuses.
3. Signage. Signage shall be in compliance with the City’s ordinances relating to signs unless the applicant for a PD-B district designation elects to submit a “Comprehensive Sign Plan” in addition to the submission of other required development plan documents. The Planning Commission may recommend, and the City Council may approve, a Comprehensive Sign Plan and such plan shall be made part of the chapter approving the PD district. This chapter may contain conditions, requirements or standards regarding signs that may be stipulated by the City Council. Comprehensive Sign Plans approved under this section shall be evaluated based upon the following criteria:
- A. Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.
  - B. Quantity. The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development sub-areas and business identification. Factors to be considered shall include the size of the development, the number of development sub areas, and the division or integration of sign functions.

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- C. Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distracting influences.
- D. Materials. Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography. A request for approval for a comprehensive Sign Plan shall accompany the request for PD-B zoning classification and shall include, but is not limited to, the following:
- (1) A site plan, depicting the proposed plan of development and illustration of proposed sign locations;
  - (2) Descriptions and drawings indicating size, qualities, materials and illumination; and
  - (3) A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the Comprehensive Sign Plan relates to each of the criteria set forth in this section.
4. Perimeter buffer requirements. Where a PD-B development abuts a residential district, there shall be a minimum 50 foot buffer area between any non-residential use and the adjacent residential district. This buffer area shall be landscaped in accordance with the recommendations of the Planning Commission.
5. Minimum building setbacks. Building setbacks shall be in accordance with the approved site plan for a PD-B development. Where a commercial use abuts a dwelling district, the minimum building setbacks established in the district regulations shall apply.

#### **4-20.5 OTHER DEVELOPMENT REGULATIONS APPLICABLE TO PD DISTRICTS**

All PD districts shall be subject to the requirements set forth in the City's Code of Ordinances, as amended from time to time, including but not limited to the City's Building Code, Subdivision Code, Utility Code, unless otherwise provided herein or by variance granted by the appropriate municipal body.

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#### 4-20.6 DEDICATION AND RESERVATION OF LAND

Whenever a Planned Development embraces all or any part of an arterial street, collector street, drainageway or other public way that has been designated in the adopted Comprehensive Plan or other official plans of the City, sufficient land shall be dedicated or reserved on the development plan for said public improvements in a manner similar to that required of all subdivisions as specified in the Subdivision Code.

#### 4-20.7 PRELIMINARY DEVELOPMENT PLAN PROCEDURE

- a) Preliminary development plan submittal requirements. The Preliminary Development Plan submitted shall include the information required by the Subdivision Code and Zoning Code regarding preliminary plats. In addition to these submittal requirements, the following shall be submitted as applicable:
1. Gross and net acreage of tract;
  2. Building outlines (footprints) of all structures, except one-family detached dwellings proposed on subdivided lots;
  3. Internal private circulation drives and parking areas, except driveways associated with one-family detached dwellings proposed on subdivided lots;
  4. Maximum number of dwelling units allowed per the original zoning district or districts;
  5. Number of dwelling units proposed and number of bedrooms, when parking requirements are based on bedroom count per dwelling unit;
  6. Number of off-street parking spaces required and proposed;
  7. The location, gross floor area of, and distance between buildings and structures. Floor area for non-residential uses shall be identified by use type;
  8. The proposed location, size, landscaping, and general use of common ground, including recreational areas, plazas, and buffer areas. Landscaping information shall include location and approximate size (at time of planting) of all plant material by type (such as deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping within parking areas shall be included;
  9. The location and details of all retaining walls, fences and earth berms;
  10. The location of all refuse collection facilities including screening to be provided;
  11. Illustrative site cross-sections (two minimum) indicating edge conditions and internal grade changes in relation to principal variations of building elevations and site-lines to adjacent properties/structures;



12. Typical building elevations of sufficient scale and detail to illustrate building mass, exterior construction materials and signage if applicable;
  13. Project report to include an explanation of the character of the proposed development, verification of the applicant's ownership or contractual interest in the subject site and proposed development schedule;
  14. The applicant may be required to provide such additional clarification and/or detail of the site plan as determined by the Administrator or the Planning Commission.
- b) Preliminary development plan review procedure. Except as established by this section, the procedures and requirements for filing, review, and approval of a preliminary development plan shall be the same as those forth for preliminary plats in the Subdivision Code. The Planning Commission may recommend approval, disapproval or approval with amendments, conditions or restrictions with respect to the preliminary development plan.

#### **4-20.8 PUBLIC HEARING ON PRELIMINARY DEVELOPMENT PLAN AND REZONING REQUEST**

A public hearing on the rezoning request and the associated preliminary development plan shall take place before the Planning Commission in accordance with the Zoning Code, Article 8 Amendments.

#### **4-20.9 CITY COUNCIL ACTION ON PRELIMINARY DEVELOPMENT PLAN AND REZONING REQUEST**

- a) City Council action on the rezoning request shall be subject to the provisions of the Zoning Code, Article 8 Amendments.
- b) If the preliminary development plan is approved by the City Council, it shall adopt a resolution approving said preliminary development plan, with conditions as may be specified and authorizing the preparation of the final development plan.
- c) Simultaneously with the approval of the preliminary development plan, the City Council shall adopt an ordinance rezoning the site to the appropriate PD district and said ordinance shall include, but not be limited to, the following:
  1. Legal description of the development site;
  2. The planned district zoning classification approved;
  3. Reference to the resolution approving the preliminary development plan and that authorizes preparation of the final development plan;
  4. A statement requiring approval of a final development plan and plat (if applicable), by the City Council, prior to issuing building permits;

5. PD-R Developments: The number and type of dwelling units authorized, including number of bedrooms per dwelling unit by type, and the total square footage authorized for any nonresidential use permitted;
6. PD-B Developments: The total square footage authorized for all commercial, office, and/or industrial uses;
7. Building and structure height limitations;
8. Minimum building setback requirements;
9. Off-street parking requirements;
10. An approved "Comprehensive Sign Plan" or proof of compliance with the City's ordinance on signs;
11. Acreage and function of common open space.

#### **4-20.10 EFFECT OF APPROVAL OF PRELIMINARY DEVELOPMENT PLAN AND PERIOD OF VALIDITY**

- a) All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.
- b) Approval of the preliminary development plan by the City Council is merely an authorization to proceed with the preparation of the final development plan.
- c) Approval of the preliminary development plan shall be valid for a period of two years from the date of City Council approval. If an application for final plan approval for all or a geographic portion of the preliminary plan has not been filed within the two year period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval. The City Council, upon recommendation from the Planning Commission, may grant up to a one year extension, from the date that the period of validity expired. The City Council may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.
- d) In no case shall a building permit be issued prior to final development plan approval.
- e) At such time the period of validity has expired, the resolution approving preliminary development plan shall become null and void. In the event that the development plan involved rezoning all or a portion of the property comprising the development, the City Council may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of the Zoning Code, Article 8 Amendments.

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#### **4-20.11 FINAL DEVELOPMENT PLAN PROCEDURE**

- a) Final development plan submittal requirements. The final development plan shall include the required information in the Subdivision Code, as applicable. In addition to these requirements, the following shall be submitted.
1. The information required for the preliminary development plan, except that it be in its final form;
  2. The final landscape plan with specific location of all plant, material, specifying size and species.
- b) Compliance with approved preliminary development plan. The final development plan shall be in substantial compliance with the approved preliminary development plan. Modifications and refinements, resulting from the final design process, may be approved. In no event shall any modification of the development plan result in the following:
1. A change in the use or character of the development;
  2. An increase in building or site coverage;
  3. An increase in the intensity of use (such as number of dwelling units);
  4. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
  5. A reduction in approved open space or required buffer areas.
- c) Final development plan review and approval. The procedure for reviewing and approving the final development plan shall be in accordance with those set forth in the Subdivision Code.

#### **4-20.12 RECORDING OF FINAL DEVELOPMENT PLAN**

After the final development plan (and subdivision plat, if applicable), and other associated documents have been approved by the City Council, the applicant shall record the final development plan in accordance with the provisions of the Subdivision Code.

#### **4-20.13 AMENDMENTS TO FINAL DEVELOPMENT PLAN**

- a) Minor changes. Minor changes in the location, siting and height of buildings and structures may be authorized by the Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:
1. A change in the use or character of the development;
  2. An increase in building or site coverage;

3. An increase in the intensity of use (such as number of dwelling units);
  4. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
  5. A reduction in approved open space or required buffer areas; or
  6. A change in the record plat.
- b) Plan amendments. All proposed changes in use, or rearrangements of lots, blocks and building tracts, changes in the provision of common open spaces, and changes that would cause any of the situations listed under division (A) above shall be subject to approval by the City Council. In such event, the applicant shall file a revised development plan and be subject to the requirements of this section as if it were an entirely new application.

#### **4-20.14 FAILURE TO INITIATE CONSTRUCTION AFTER FINAL DEVELOPMENT PLAN APPROVAL**

- a) Period of validity. No approval of a final development plan shall be valid for a period longer than two years from the date of approval unless within such period a building permit is obtained and construction of a development's foundation is commenced.
- b) Extension. The City Council may grant a one year extension upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application.

### **Section 4-21 Above Ground Storage Tanks**

Any above ground storage tank, that is governed by the Gasoline Storage Act, shall comply with the terms of that Act, the regulations adopted pursuant to that Act, and all other applicable federal, state, or local laws, rules or ordinances and regulations. Such above ground storage tanks shall be prohibited in residential and mobile home zoning districts. A special use permit is required for all such tanks; it shall be the applicant's burden of proof to demonstrate that alternative forms of storage are not practical or safe.

### **Section 4-22 Exterior Building Design and Materials<sup>10</sup>**

- a) All exterior building materials shall be of high durability and quality and require low maintenance, and must be of brick and brick-like masonry, architectural split-faced concrete block, vinyl, wood siding, architectural panels such as Alucabond or approved equal, glass or architectural pre-cast concrete or comparable materials.

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<sup>10</sup> As per Ordinance 2000-03 adopted February 22, 2000.

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- b) Exterior materials not allowed include metal panels or metal siding, steel panels or steel siding, concrete block or comparable metal or concrete block-like materials and except as provided in subsections (d) and (e) below.
  - c) All exterior building materials including metal roofing materials shall be review and approved by the Code Official prior to the issuance of any building permit.
  - d) Metal roofing materials such as 29-gauge Standing Seam (Seam Lock 24), Strongpanel, or other metal roofing materials of like kind and quality may be permitted in zoning districts M-H, C-1, C-2 and C-3 subject to the review and approval of the Code Official as set forth above in subsection (c).
  - e) Residential metal siding materials such as 29-gauge Standing Seam (Seam Lock 24), Strongpanel, or other residential metal siding materials of like kind and quality may be permitted in zoning districts R-1, R-2, R-3 and M-H subject to the review and approval of the Code Official as set forth above in subsection (c).
  - f) The provisions of this Section shall apply only in zoning districts R-1, R-2, R-3, MH, C-1, C-2 and C-3.

## Section 4-23 Individual Sewage Systems

### 4-23.1 MINIMUM LOT AREA WIDTH AND DEPTH

In any district where individual sewage systems are used in place of public sewage facilities, the minimum lot area width and depth shall be subject to approval of the City Council, but shall not be less than required for the district in which the use is to be located or less than one (1) acre in area, whichever is greater; or have less frontage than one hundred twenty-five (125) feet. When doubt exists with the City Council as to the adequacy of the soil structure of the lot to properly accommodate an individual sewage system, the City Council may require the property owner to obtain an opinion from a registered engineer as to the size of lot required for an individual sewage system to operate on the lot according to safe health standards. If the findings of the engineer indicate that larger lots are necessary, the City Council may require a lot size in excess of the minimum area defined previously in this paragraph.

#### 4-23.2 PROHIBITED DISCHARGE

There shall be no discharge of raw or improperly treated sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes, or other collectors of water. Improperly treated sewage is sewage that does not meet the effluent requirements of the current Private Sewage Disposal Licensing Act and Code published by the Illinois Department of Public Health or sewage that comes directly from a septic tank or building sewer. A private sewage disposal system shall not be located in areas where surface water will accumulate.

#### 4-23.3 APPLICABLE PERMITS

In any district, applicable permits from the Illinois Department of Public Health and/or any other regulating agency must be submitted to the Code Official before any new construction building permits will be issued from the City of Troy

### Section 4-24 SIGNS

The provisions of this section shall govern the construction, alteration, repair and maintenance of outdoor signs together with the associated appurtenant and auxiliary devices in respect to structural and fire safety.

#### 4-24.1 DEFINITIONS

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**Sign:** Any fabricated sign or outdoor display structure, including its structure, consisting of any letter character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, that is constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors for recognized advertising purposes.

**Closed Sign:** A sign in which more than fifty (50) percent of the entire area is solid or tightly enclosed or covered.

**Ground Sign:** A sign supported by uprights or braces in or upon the ground surface.

**Marquee Sign:** A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

**Open Sign:** A sign in which at least fifty (50) percent of the enclosed area is uncovered or open to the transmission of wind.

**Portable Sign:** A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and that obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

**Projecting Sign:** A display sign that is attached directly to the building wall, and that extends more than fifteen (15) inches from the face of the wall.

**Roof Sign:** A sign that is erected, constructed and maintained above the roof of the building.

**Temporary Sign:** A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display; including decoration displays for holidays or public demonstrations.

**Wall Sign:** A sign that is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and that extends not more than fifteen (15) inches from the face of the fence or wall.

#### **4-24.2 ZONING LAW**

Where more restrictive in respect to location, purpose, size or height of signs, the limitations of zoning laws that affect required light and ventilation requirements and occupancy of land shall take precedence over the regulations of this code.

#### **4-24.3 PERMITS AND CONSTRUCTION DOCUMENTS**

- a) **New Signs:** A new sign shall not hereafter be erected, constructed, altered, or maintained except as provided for herein, and until a permit has been issued by the code official.
- b) **Alterations:** A sign shall not be enlarged or relocated unless such sign conforms to the provisions of this section for new signs, or until a proper permit has been secured. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter, shall not be deemed an alteration, provided that the conditions of the original approval and the requirements of this section are not violated
- c) **Permit Exemptions:** A permit shall not be required for the following signs. Such exceptions, however, shall not be construed to relieve the owner of the sign from responsibility for the sign's erection and maintenance in a safe manner.
  1. **Wall Signs:** A permit shall not be required for a sign painted on the surface of a fence or approved building wall, or any non-illuminated wall sign on a building or structure that is not more than ten (10) square feet in area.

2. Sale or Rent: A permit shall not be required for ground signs erected to announce the sale or rent of property, provided that such signs are not more than twenty-five (25) square feet in area.
  3. Transit Directions: A permit shall not be required for the erection or maintenance of a ground sign designating the location of a transit line, a railroad station or other public carrier provided that such signs are not more than three (3) square feet in area.
  4. Street Signs: A permit shall not be required for ground signs erected by jurisdiction for street direction.
  5. Projecting Signs: A permit shall not be required for a projecting sign not exceeding two and one-half (2½) square feet of display surface.
- d) Construction Documents: Before any permit is issued for the erection of a sign, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses and anchorage.
  - e) Identification: Every sign for which a permit has been issued and that is hereafter erected, constructed or maintained, shall be plainly identified by the name of the person, firm or corporation owning, erecting, maintaining or operating such sign. The method and location of this identification shall appear on the construction documents filed with the code official.
  - f) Location: Signs can only be erected on the parcel of real estate where the business, being advertised by the sign, is located.
  - g) Real Estate Signs: Signs indicating the sale, rental or lease of the premises on which they are located shall be removed within seven (7) days after the sale, rental or lease.
  - h) Insurance: A person shall not erect, install, remove, re-hang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved bond has been filed in the sum of an amount comparable to the City of Troy's liability insurance coverage limits as herein required or until an insurance policy is filed with the City in an amount comparable to the City of Troy's liability insurance coverage limits per accident and for property damage in the amount comparable to the City of Troy's property damage insurance coverage limits as herein required.

#### **4-24.4 MAINTENANCE AND INSPECTION**

- a) Removal: The code official is authorized to order the removal of any sign that is not maintained in accordance with the provisions of this section.
- b) Maintenance: All signs for which a permit is required, together with all supports, braces, guys and anchors, shall be kept in repair in accordance with the provisions of this section. Where not galvanized or constructed of approved corrosion-resistant noncombustible materials, signs shall be painted.



- c) Housekeeping: The owner or lessee of every sign shall maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
- d) Inspection: Every sign shall be subject to inspection and approval.

#### **4-24.5 GENERAL REQUIREMENTS**

All signs shall be designed and constructed to comply with the provisions of this code for materials, loads and stresses, and with the following.

- a) General Maximum Size: At no time shall a sign or signs other than ground signs exceed one hundred twenty-five (125) square feet total per business.
- b) Wind Load: All signs shall be designed and constructed to withstand wind pressure as provided for in the latest edition of the Building Code adopted by the City of Troy.
- c) Earthquake Load: Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in the latest edition of the Building Code adopted by the City of Troy
- d) Use of Combustibles: Ornamental features such as wood, approved plastic and other materials of combustible characteristics similar to wood, used for moldings, cappings, nailing blocks, letters and latticing, shall not be used for other ornamental features of signs, unless approved. Such features shall comply with all applicable sections of the latest edition of the Building Code adopted by the City of Troy.
- e) Animated Devices: No revolving signs or animated signs shall be permitted.

#### **4-24.6 GROUND SIGNS**

The structural frame of ground signs shall not be erected of combustible materials to a height of more than thirty-five (35) feet above the ground. In all locations, where constructed entirely of noncombustible material, ground signs shall not be erected to a height of greater than one hundred (100) feet above the ground. Greater heights are permitted where approved and located so as not to create a hazard or danger to the public.

- a) Location: All ground signs shall be located in areas with a C-1, C-2, C-3, I-1, or I-2 zoning designation.
- b) Height: All ground signs shall not exceed ten (10) feet in height unless an approved set of sealed plans is provided to the Code Official.
  - 1. All ground signs in the C-1 District shall be limited to ten (10) feet in height.
  - 2. All ground signs in the C-2 District shall be limited to thirty-five (35) feet in height.

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#### **4-24.7 ROOF SIGNS**

- a) **Materials:** All roof signs shall be constructed entirely of metal or other approved noncombustible material. Provisions shall be made for electric grounding of all metallic parts. Where combustible materials are permitted in letters or other ornamental features, all wiring and tubing shall be kept free and insulated therefrom.
- b) **Bottom Clearance:** There shall be a clear space of not less than 6 feet between the lowest part of the sign and the roof level, except for necessary structural supports.
- c) **Closed Signs:** A closed roof sign shall not be erected to a height greater than thirty-five (35) feet above the roof of buildings.
- d) **Open Signs:** An open roof sign shall not exceed a height of thirty-five (35) feet above the roof of buildings.

#### **4-24.8 WALL SIGNS**

- a) **Materials:** Wall signs that have an area exceeding 40 square feet shall be constructed of metal or other approved noncombustible material, except for nailing rails and as provided for in of the latest edition of the Building Code adopted by the City of Troy.
- b) **Extension:** Wall signs shall not be erected to extend above the top of the wall, nor to extend beyond the ends of the wall to which the signs are attached unless such signs conform to all of the requirements for roof signs, projecting signs or ground signs.

#### **4-24.9 PROJECTING SIGNS**

- a) **Materials:** Projecting signs shall be constructed entirely of metal or other approved noncombustible material except as provided for in the latest edition of the Building Code adopted by the City of Troy.
- b) **Maximum Projection:** A projecting sign shall not extend beyond the curb line.
- c) **Clearance:** A vertical clearance of not less than eight (8) feet shall be provided below all parts of projecting signs.
- d) **Additional Loads:** Projecting sign structures that will be used to support an individual on a ladder or other servicing device—whether or not specifically designed for the servicing device—shall be capable of supporting the anticipated additional load, but not less than a one hundred (100) pound concentrated horizontal load and a three hundred (300) pound concentrated vertical load applied at the point of assumed or most eccentric loading. The building component to which the projecting sign is attached shall also be designed to support the additional loads.

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#### **4-24.10 MARQUEE SIGNS**

- a) **Materials:** Marquee signs shall be constructed entirely of metal or other approved noncombustible material except as provided for in the latest edition of the Building Code adopted by the City of Troy.
- b) **Attachment:** Marquee signs shall be attached to approved marquees that are constructed in accordance with the latest edition of the Building Code adopted by the City of Troy.
- c) **Dimensions:** Marquee signs shall not project beyond the perimeter of the marquee.

#### **4-24.11 TEMPORARY SIGNS**

- a) **Maximum Size:** Temporary signs shall not exceed thirty-five (35) square feet.
- b) **Banner and Cloth Signs:** Temporary signs and banners that are attached to or suspended from a building, and that are constructed of cloth or other combustible material, shall be constructed in an approved manner and shall be securely supported. Such signs and banners shall be removed as soon as torn or damaged.
  - 1. **Balloons or Inflated Signs:** Balloons or inflated signs shall be considered as temporary signs, but shall not be erected for a period of longer than ten (10) days per calendar year.
- c) **Special Permits:** Temporary signs used for holidays, public demonstrations or promotions of civic welfare of charitable purposes, that extend across streets or other public spaces shall be subject to special approval of the authority having jurisdiction.
- d) **Limitations:** The total number of temporary signs per business at any one time is two (2). This includes any signs temporary in nature.

#### **4-24.12 ILLUMINATED SIGNS**

- a) **Certificates:** All electrically illuminated signs shall be certified as to electric wiring and devices by the agency having jurisdiction, and all wiring and accessory electrical equipment shall conform to the requirements of the latest edition of the Building Code adopted by the City of Troy.
- b) **Additional Permits:** Electrical permits shall be issued for the erection or maintenance of illuminated signs.
- c) **Re-lettering Signs:** These requirements shall not apply to the re-lettering of illuminated signs, except where such re-lettering requires a change of wiring or piping of the sign.
- d) **Illumination of Signs:**
  - 1. **Illumination:** A sign shall not be illuminated by other than electrical means, and electrical devices and wiring shall be installed in accordance with the requirements of the latest edition of the Building Code adopted by the City of Troy.

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2. Internally Illuminated Signs: Except where internally illuminated signs have sign facings of wood or approved combustible plastic, the area of such facing section shall not be more than one hundred twenty (120) square feet and the wiring for electric lighting shall be entirely enclosed in the sign cabinet with a clearance of not less than two (2) inches from the facing material. The dimensional limitation of one hundred twenty (120) square feet shall not apply to sign facing sections made from flame resistant- coated fabric (ordinarily known as “flexible sign face plastic”) that weighs less than twenty (20) ounces per square yard and that meets the requirements of the latest edition of the Building Code adopted by the City of Troy., or that, when tested in accordance with an approved test method, exhibits an average burn time for ten specimens of two (2)seconds or less and a burning extent of 15 centimeters or less.
  3. No revolving lights shall be permitted.
  4. Only white lights shall be used to illuminate.

#### **4-24.13 PORTABLE SIGNS**

Portable signs shall conform to all requirements for ground, roof, projecting, flat and temporary signs where such signs are used in a similar capacity. The requirements of this section shall not be construed to require portable signs to have connections to surfaces, tie-downs or foundations where provisions are made by temporary means or configuration of the structure to provide stability for the expected duration of the installation.

- a) Electrical: Portable signs that require electrical service shall have a positive connecting device on the sign. Electrical service lines to the sign shall be protected from damage from all anticipated traffic.

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# Article 5 – Supplementary Off-Street Parking and Loading Regulations

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## Section 5-1 Applicability of Article

Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Ordinance.

### 5-1.1 EXISTING PARKING/LOADING FACILITIES

- a) Existing Off-Street Parking: All existing parking areas or parking lots must comply with Section 5-3 by the 6<sup>th</sup> day of May, 2006 per Ordinance 1996-12. Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
- b) Destroyed Structures: When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt to the same square footage prior to damage, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.
- c) Additions to Structures: Whenever any building, structure or use is enlarged or expanded in any way as to increase the dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities shall be required by the provisions of this section.
- d) Changes of Use: Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.
- e) Changes of Ownership: Whenever the ownership of an existing structure is changed, parking or loading facilities shall be provided as required herein for such new use.
- f) Parking Lot Maintenance: At owner's expense, all newly constructed or existing parking surfaces, ingress, egress and loading facilities must be free of potholes, grass or other similar nuisances.
- g) Annexation: If an existing parking area or lot is annexed into the City of Troy, then it must comply with Section 5-3 within five (5) years of annexation.

## Section 5-2 Parking Design and Maintenance Standards

### 5-2.1 SPACES

Every parking space shall conform to the following requirements below. Such spaces shall be clearly designated by markings that delineate each space and shall be re-laid or restored as often as necessary to maintain such delineation, at the owner’s expense.

Minimum Parking Space Widths, Lengths and Vertical Clearance			
Parking Type	Space Width	Space Length	Vertical Clearance
90 Degree Parking	10 Feet	20 Feet (without parking blocks) 22 Feet (with parking blocks)	7 Feet
60 Degree	10 Feet	20 Feet	7 Feet
Parallel Parking	8 Feet	22 Feet	7 Feet
Handicapped Parking	16 Feet	20 Feet	7 Feet

Every parking space shall be situated so that no part of any parked vehicle can overhang the right-of-way, aisle ways, public or private sidewalks or property lines.

### 5-2.2 HANDICAP PARKING SPACES

The following minimum number of handicap parking spaces shall be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Illinois Accessibility Code.

- a) Minimum Number: If any parking is provided for employees or visitors or both, the minimum number of accessible parking spaces to be provided for environmentally limited persons is as follows:

Total Off-Street Parking Spaces Provided	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total number
Over 1,000	20 plus one for each 100 over 1,000

- b) Location: Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- c) Dimensions and Markings: Each parking space, except on-street spaces, shall consist of a 16 (sixteen) foot wide parking space including a diagonally striped access aisle. A high quality yellow paint recommended by the paint manufacturer for pavement striping shall be utilized. Parking spaces and access aisles shall have surface slopes not exceeding 1:50 (2%) in all directions.
- d) Signage: Accessible parking spaces shall be designated as reserved for environmentally limited persons by providing an R7-8 (US Department of Transportation standard) sign which contains the international symbol of accessibility. Such signs shall exhibit the words "\$100 Fine." Signs shall be vertically mounted on a post or wall at front center of the parking space no more than five (5) feet horizontally from the front parking space and set a minimum of four (4) feet from finished grade to the bottom of the sign.

**5-2.3 INTERIOR AISLES**

Aisles within parking lots in multi-family residential, commercial and industrial districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces:

Aisle Widths	
Parking Type:	Width of Aisle:
90 Degree Parking	24 Feet
60 Degree Parking	18 Feet (one-way) 24 Feet (two-way)
Parallel Parking	24 Feet

**5-2.4 ACCESS WAYS**

- a) General: Parking areas in the multi-family residential, commercial, agricultural and industrial districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- b) Conformance Requirements: All entrance construction shall be in conformance with the Illinois Department of Transportation manual, “Standard Specifications for Road and Bridge Construction,” (latest edition) and in conformance with the Illinois Department of Transportation policy handbook, “Access to State Highways” (latest edition).
- c) Placement of Entrances:
  - 1. All access ways to any parking area shall be located to provide a minimum of thirty (30) feet of distance from the beginning of the driveway flare to the edge of the adjacent intersecting road. At intersections where traffic control devices are installed, the Code Official may increase this distance to prevent traffic hazards.
  - 2. Entrances shall be located so that sufficient sight distance is available to enable motorists to determine when gaps in the traffic stream are sufficient for safe entry. In locations where entrances are located on opposite sides of the street, alignment of entrances shall be undertaken to promote safe vehicular turning movements.
  - 3. The distance between the beginning of the flare of a high traffic volume generator and the rear edge of an adjacent roadway intersecting a state highway shall be at least one hundred (100) feet. Where volume projections indicate a need, sufficient distance from adjacent public road or property lines should be allowed for the construction of a right or left turn lane.
  - 4. Every parking lot ingress and egress shall be aligned so that it forms, as closely as possible, a right angle with the intersecting street.
- d) Access Way Widths:
  - 1. Agricultural, commercial, industrial and multi-family residential zoning district entrances shall not be less than twenty-four (24) feet in width and shall be limited to a maximum width



of thirty-five (35) feet measured at right angles to the center line of the drive, unless two one-way drives of twelve (12) feet are provided. The widths measured shall be exclusive of all flares, at the right-of-way line, and/or at the end of the radii curves.

2. The radii for non-commercial driveways should be between five (5) feet and twenty-five (25) feet.
3. Flares for commercial access facilities should range from a minimum of fifteen (15) feet to a maximum of forty (40) feet. A curb length of at least three (3) feet shall be left undisturbed between the property line and the edge of the entranceway flare to allow for the construction of an adequate island between drives should the adjacent property owner desire to build an entrance.
4. All driveways to off-street parking in low residential (R-1) and medium residential (R-2) zoning districts shall be a minimum of twelve (12) feet wide.

#### **5-2.5 ENTRANCE ISLANDS**

Entrance islands shall have a minimum dimension of six (6) feet wide by ten (10) feet long. Where the island is less than twenty-five (25) feet long or ten (10) feet wide, it must be outlined by curbing. Typically, the island should be located between four (4) feet and ten (10) feet behind the curb for curbed pavement sections or as required to provide proper turning radius for the design vehicle proposed to utilize the facility.

#### **5-2.6 CROSS ACCESS**

- a) Cross access is defined as a commonly shared or used pedestrian way or vehicular driveway that connects or serves two or more properties. The purpose of cross access may be to reduce the number of entrance intersections to an arterial or city street, to provide access via a signalized intersection, to provide direct access between developments, to provide access to lots not having road frontage, etc.
- b) Cross access may be required as part of the site plan or subdivision review procedure, zoning request, and/or special variance request and shall be provided in accordance with the following conditions:
  1. At the time the site plan is submitted for review, the City will identify adjacent existing land use and its potential for change, existing traffic volumes and design features of the surrounding roadways, etc., in order to ascertain the need for cross access. If the City determines cross access will be required, the plan shall show the area included for cross access, to include the driveway approach, internal driving and parking lot aisles and their extension to the property line(s) and the area(s) designated for connection to the adjacent property of cross access.

2. The area designated for cross access shall be kept free of all landscaping, fences, trash enclosures, parking/loading spaces, and/or other improvements except as required by the Zoning Ordinance. Any approved improvements located in the areas designated for cross access shall be removed by the developer who is required to construct the pavement connection.

### **5-2.7 LIGHTING**

- a) Every off-street parking facility regularly utilized during nighttime hours, shall be lighted to enable safe access to parked vehicles. Such lighting must be erected on private property, unless the Code Official provides written permission for the lights to be located on the City right-of-way.
- b) Lights on commercial premises must not constitute a nuisance to passing motorists. Such lights must not be similar to traffic control devices (i.e. signals or flashing beacons). No flashing, oscillating or rotating lights visible from any public highway may be placed on any building or structure located within two hundred (200) feet of the street.
- c) Any light(s) utilized to illuminate any parking facility shall be configured or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable.
- d) In commercial areas, “shoe box” type fixtures are encouraged to avoid stray and ineffective lighting.

### **Section 5-3 Parking Surfaces**

All newly constructed off-street parking areas or parking lots shall be striped, graded and improved with either asphalt or concrete to the following specifications:

- a) Sub-base: Crushed stone (CA-6) – 6” deep (compacted thickness)  
Surface: I-11 – 3” deep asphalt (compacted thickness)
- b) Sub-base: Crushed stone (CA-6) – 4” deep (compacted thickness) or lime modified  
Surface: 6” deep concrete

### **Section 5-4 Storm Water and Detention**

- a) Storm water detention shall be provided for sites and/or parking facilities that increase the rate of storm water runoff. Detention facilities shall be designated for the two-year and one hundred-year storm events in accordance with the City of Troy Subdivision Code.
- b) The limits of maximum ponding in detention ponds shall not be closer than thirty (30) feet to any building.

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- c) Railroad tie walls are not permitted in detention basins below the high water elevation.
  - d) On parking lots, the maximum allowable detention storage on the surface shall not exceed four (4) inches.

## Section 5-5 Location of Parking

### 5-5.1 RESIDENTIAL ZONING DISTRICTS

- a) Parking spaces accessory to dwellings in any residential zoning district shall be located on the same lot as the dwelling. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
- b) No personal or company vehicles shall be parked on any yard that abuts a street, except on a driveway. When any of these vehicles are parked in any rear yard or side yard abutting a lot, such parking shall have access by means of an approved driveway consisting of at least four (4) inches of crushed stone.
- c) All parking spaces accessory to permitted non-dwelling uses in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within two hundred (200) feet of the use served. No vehicle exceeding one (1) ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading and service calls). This includes on-street and on private lots unless a special use permit has been obtained.

### 5-5.2 AGRICULTURAL, COMMERCIAL AND INDUSTRIAL DISTRICTS

- a) Required parking spaces accessory to any permitted use in any agricultural, commercial or industrial district shall be located within two hundred (200) feet of the use served, if not located on the same lot.
- b) No parking space accessory to any use in agricultural, commercial or industrial district shall be located in any residential district except by special use permit.
- c) In any agricultural, commercial or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

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## Section 5-6 Landscaping of Parking Lots

In order to reduce heat and glare and minimize the loss of natural vegetation common to the construction of parking facilities, landscaping shall be provided and maintained in accordance with the following provisions.

- a) A landscaping plan, either as a separate document or as an element of a more inclusive development plan, shall accompany every application and set of plans and include the following:
  1. Perimeter Buffer Strip: A strip of land at least six (6) feet in width abutting and paralleling the perimeter of the off-street parking lot shall be landscaped. Such landscaping shall include grass, ground cover, and/or other landscape treatment, excluding paving, and one medium-size canopy tree, or if space is limited, one small-size canopy tree, for every 50 (fifty) lineal feet or major fraction thereof.
    - A. In C-1, C-2 and C-3, a planting strip of ten (10) feet, not including sidewalks, shall be provided and maintained within the required front yard per Schedule 13 and shall separate vehicle parking and drive areas from any public or private street or right-of-way.
    - B. Required Front Yards: Landscaping requirements shall include grass, ground cover, and/or other landscape treatments, and shall include at least one medium-size canopy tree for each 50 (fifty) feet of frontage of any public or private street right-of-way. Care should be taken with the placement of these trees so they do not obstruct the view of traffic or interfere with the flow of traffic in any way.
  2. Perimeter Parking Spaces: Rows of parking spaces adjoining the perimeter of the parking lot having fewer than 25 (24 and less) parking spaces need not be interrupted by a landscaping island. Rows of parking spaces adjoining the perimeter of the parking lot having 25 or greater number of parking spaces shall be interrupted by the intrusion of a landscaping island; no greater than 25 contiguous, side-by-side parking spaces shall be permitted. Each landscaping island shall be a minimum width of six (6) feet and a minimum depth of twenty (20) feet.
  3. Interior Parking Spaces: Interior parking rows, parking rows that are not adjacent to the parking lot perimeter, shall have landscaping island at each end of the parking row. Interior parking rows having 25 or greater number of contiguous side-by-side parking spaces shall be interrupted by the intrusion of a landscaping island; not greater than 24 contiguous, side-by-side parking spaces shall be permitted. Parking islands shall have a minimum width of six (6) feet and a minimum length of twenty

(20) feet if for a single parking row or not less than forty (40) feet if for two contiguous, interfacing, parallel rows.

- A. The landscaping of the islands shall include grass, ground cover, and/or other landscape treatment, excluding paving, and include at least one small-size canopy tree per island. Proper drainage shall be provided for each landscaped parking island
- b) Every landscaping plan shall at least include the following information:
1. The proposed type, amount, size and spacing of all plantings, including trees, shrubbery and ground cover.
  2. The proposed size, construction materials and drainage of landscaped islands.
  3. A sketch indicating the proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.

### Section 5-7 Computation of Required Parking Spaces

In computing the number of parking and loading spaces required by this chapter, the Zoning Administrator shall apply the following rules:

- a) In computing the parking spaces required for a building or structure containing mixed uses, the Zoning Administrator shall calculate the required number of parking spaces for each use, and add the sums of those calculations in order to determine the total number of spaces required for the building. For example, a lodge with a dance hall would require parking spaces for each use.
- b) If, in computing the number of parking or loading spaces required by this Section, the calculation results in the requirement of a fractional space, a fraction of less than one-half ( $\frac{1}{2}$ ) may be disregarded, while a fraction of one-half ( $\frac{1}{2}$ ) or more shall be counted as one (1) space.
- c) If, in computing the number of parking spaces required by this Section, the gross floor area for a specific use is less than that identified in the calculation formula, the Zoning Administrator shall divide the gross floor area by the area indicated in the calculation formula and multiply the result by the required number of spaces.

Example 1: Fast food restaurant – 800 sq. ft.

Refer to Section 5-8 Class 8

15 spaces per 1,000 sq. ft.

$800 \div 1,000 = .8 \times 15 = 12$  spaces required

Example 2: Fast food restaurant – 1,200 sq. ft.

Refer to Section 5-8 Class 8

15 spaces per 1,000 sq. ft.

$1,200 \div 1,000 = 1.2 \times 15 = 18$  spaces required

- d) If, in reviewing the uses and zoning districts below, a particular use is not found, the Zoning Administrator shall classify the use with other similar uses and calculate parking space requirements according to the provisions for that classification.

### Section 5-8 Parking Spaces Required

This section divides specific uses of property into classification groups. The minimum number of off-street parking spaces required for each use of a specific parcel of property, shall be determined by identifying the classification group to which each use belongs, and performing the calculation identified for that specific group. The Code Official may require additional spaces

<u>USES AND ZONING DISTRICTS</u>	<u>MINIMUM PARKING SPACES REQUIRED</u>
<p><u>Class 1</u></p> <p>1. AR, R1, R2, R3</p> <p><b>This includes condominiums and townhouses</b></p>	<p>Two spaces per unit</p>
<p><u>Class 2</u></p> <ol style="list-style-type: none"> <li>1. Apartments for the elderly</li> <li>2. Convalescent homes</li> <li>3. Dormitories</li> <li>4. Homes for the aged, ill or physically infirm</li> <li>5. Hotels</li> <li>6. Intermediate or sheltered care facilities</li> <li>7. Motels</li> <li>8. Nursing homes</li> <li>9. Parsonages and parish houses</li> <li>10. Private clubs and lodges with sleeping facilities</li> <li>11. Seminaries, monasteries, convents or retreat houses</li> <li>12. Specialized living accommodations</li> </ol>	<p>One space per room or unit plus one space per employee per shift</p>
<p><u>Class 3</u></p> <ol style="list-style-type: none"> <li>1. Auto body shops</li> <li>2. Extermination services</li> </ol>	<p>Three parking spaces per 1,000 square feet of total gross floor area with a minimum of four spaces required</p>

<ol style="list-style-type: none"> <li>3. Hospitals</li> <li>4. Lumber yards with separate outside storage</li> <li>5. Machinery sales and services</li> <li>6. Mail order houses</li> <li>7. Monument sales</li> <li>8. Philanthropic and charitable institutions</li> <li>9. Public libraries, art galleries and museums</li> <li>10. Radio and television stations</li> </ol>	
<p><u>Class 4</u></p> <ol style="list-style-type: none"> <li>1. Archery range</li> <li>2. Auto dealer, new and used</li> <li>3. Auto driving instruction, excluding storage of vehicles</li> <li>4. Auto leasing facilities, excluding storage of vehicles</li> <li>5. Catering establishments</li> <li>6. Clothing and costume rental shops</li> <li>7. Daycare centers</li> <li>8. Detective agencies</li> <li>9. Dressmaking facilities</li> <li>10. Employment agencies</li> <li>11. Laboratories – medical, dental or optical</li> <li>12. Laboratories – research and testing</li> <li>13. Lithographers</li> <li>14. Locksmiths</li> <li>15. Nurseries and preschools</li> <li>16. Office uses</li> <li>17. Painting or decorating business offices</li> <li>18. Recording and sound studios</li> <li>19. Sewing shops for shoes and clothing</li> <li>20. Sharpening or grinding businesses</li> <li>21. Shooting ranges</li> <li>22. Skating rinks</li> <li>23. Tailors</li> <li>24. Taxicab garages, excluding storage of vehicles</li> <li>25. Telephone exchange and equipment buildings</li> <li>26. Towing service buildings, excluding storage of vehicles</li> <li>27. Transit or transportation facilities</li> <li>28. Travel agencies</li> </ol>	<p>Four parking spaces per 1,000 square feet of total gross floor area with a minimum of four spaces</p> <p>* If drive-up services are provided, a minimum of four car holding spaces shall be provided for every drive-up area</p>
<p><u>Class 5</u></p> <ol style="list-style-type: none"> <li>1. Animal hospitals</li> <li>2. Antique stores</li> <li>3. Appliance stores</li> <li>4. Art galleries – commercial</li> </ol>	<p>Five parking spaces per 1,000 square feet of total gross floor area with a minimum of four parking spaces</p> <p>* If drive-up services are provided, a</p>

<ol style="list-style-type: none"> <li>5. Art school and supply stores</li> <li>6. Auto rust proofing and undercoating services</li> <li>7. Auto service stations</li> <li>8. Auto, truck and van accessory and parts stores</li> <li>9. Bakeries</li> <li>10. Banks, savings &amp; loans, and other financial services</li> <li>11. Bicycle sales and service stores</li> <li>12. Boat sales</li> <li>13. Book and stationery stores</li> <li>14. Bowling Alleys</li> <li>15. Building materials and products sales and storage</li> <li>16. Building trade showrooms</li> <li>17. Business and office machine sales and services</li> <li>18. Bus passenger stations</li> <li>19. Camera shops</li> <li>20. Camper sales</li> <li>21. Candy and confectionary stores</li> <li>22. China and glassware stores</li> <li>23. Clothing stores</li> <li>24. Clubs and lodges - without sleeping facilities</li> <li>25. Convenient stores and quick shops</li> <li>26. Department stores</li> <li>27. Drapery stores</li> <li>28. Drug stores</li> <li>29. Dry cleaning and laundromats</li> <li>30. Dry goods stores</li> <li>31. Electronic, computer and cellular stores</li> <li>32. Equipment sales, rental and leasing</li> <li>33. Farm and agricultural implement sales and service</li> <li>34. Financial institutions</li> <li>35. Floor covering stores</li> <li>36. Floral shops</li> <li>37. Furniture stores</li> <li>38. Gift shops</li> <li>39. Grocery stores</li> <li>40. Hardware stores</li> <li>41. Health clubs, fitness centers, gymnasiums and spas</li> <li>42. Hobby shops</li> <li>43. Home appliance stores</li> <li>44. Ice cream shops</li> <li>45. Indoor tennis courts or racquetball clubs</li> <li>46. Jewelry stores</li> <li>47. Meat markets</li> </ol>	<p>minimum of four car holding spaces shall be provided for every drive-up area</p>
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<ul style="list-style-type: none"> <li>48. Mobile and manufactured home sales</li> <li>49. Model home and garage displays</li> <li>50. Motorcycle sales</li> <li>51. Motor vehicle repair and servicing facilities</li> <li>52. Music stores</li> <li>53. Not-for-profit corporations, services, service organizations or fraternal organizations</li> <li>54. Notions stores</li> <li>55. Office supply and stationery stores</li> <li>56. Package liquor stores</li> <li>57. Paint and wallpaper stores</li> <li>58. Pet shops</li> <li>59. Photography studios</li> <li>60. Post offices</li> <li>61. Radio, stereo and television sales</li> <li>62. Record and compact disk stores</li> <li>63. Recreational and community centers</li> <li>64. Shoe stores</li> <li>65. Sporting goods stores</li> <li>66. Tire, battery, brake, oil change and muffler shops</li> <li>67. Tobacco shops</li> <li>68. Toy stores</li> <li>69. Variety stores</li> </ul>	
<p><u>Class 6</u></p> <ul style="list-style-type: none"> <li>1. All professional, commercial, organizational and government offices not specifically listed herein</li> <li>2. Barber and beauty shops</li> <li>3. Funeral parlors</li> <li>4. Governmental administration buildings - without garages</li> <li>5. Medical and dental clinics</li> <li>6. Police and fire stations</li> <li>7. Video rental stores</li> </ul>	<p>Seven parking spaces per 1,000 square feet of total gross floor area with a minimum of four spaces</p> <p>* If drive up service is provided, a minimum of four car-holding spaces shall be required.</p>
<p><u>Class 7</u></p> <ul style="list-style-type: none"> <li>1. Arcade and amusement halls</li> <li>2. Auction rooms or barns</li> </ul>	<p>10 parking spaces per 1,000 square feet of total gross floor area</p>
<p><u>Class 8</u></p> <ul style="list-style-type: none"> <li>1. Bars, taverns and lounges</li> <li>2. Billiard and pool halls</li> <li>3. Convention and exhibition halls</li> <li>4. Dance halls</li> </ul>	<p>15 parking spaces per 1,000 square feet of total gross floor area plus six car holding spaces for every drive in bay</p>

<ol style="list-style-type: none"> <li>5. Meeting halls and rooms</li> <li>6. Restaurants – including fast food, drive-ins and sit-downs</li> </ol>	
<p><u>Class 9</u></p> <ol style="list-style-type: none"> <li>1. Amusement establishments including water parks</li> <li>2. Batting cages</li> <li>3. Farm and agricultural implement sales and service</li> <li>4. Go cart tracks</li> <li>5. Golf driving ranges</li> <li>6. Kiddie carts</li> <li>7. Miniature golf courses</li> <li>8. Nurseries and greenhouses</li> <li>9. Swimming pools: <i>provided, however, when a swimming pool is an isolated use, parking shall be computed at a rate of 1 space per 75 square feet of water area.</i></li> </ol>	<p>Three parking spaces per 1,000 square feet of total gross floor area, plus one parking space per 3,000 square feet of occupied land area with a minimum of four spaces</p>
<p><u>Class 10</u></p> <ol style="list-style-type: none"> <li>1. Arboretums and botanical gardens</li> <li>2. Athletic fields</li> <li>3. Forest preserves</li> <li>4. Grounds of noncommercial recreation clubs</li> <li>5. Public parks and playgrounds</li> <li>6. Tennis clubs and courts, outdoors</li> </ol>	<p>One parking space per 1,000 square feet of total gross floor area, plus one parking space per 5,000 square feet of occupied land area</p>
<p><u>Class 11</u></p> <ol style="list-style-type: none"> <li>1. Elementary and junior high schools</li> </ol>	<p>One parking space per five students based on design capacity</p>
<p><u>Class 12</u></p> <ol style="list-style-type: none"> <li>1. Business, art, dance or commercial schools</li> <li>2. Colleges, junior colleges and universities</li> <li>3. High schools</li> <li>4. Vocational or trade schools</li> </ol>	<p>One parking space per three students based on design capacity</p>
<p><u>Class 13</u></p> <ol style="list-style-type: none"> <li>1. Indoor movie theaters</li> </ol>	<p>One parking space per every 2.5 seats provided</p>
<p><u>Class 14</u></p> <ol style="list-style-type: none"> <li>1. Churches, chapels and temples</li> <li>2. Fairgrounds</li> <li>3. Race tracks and exhibition grounds</li> <li>4. Stadiums and auditoriums</li> </ol>	<p>One parking space per three seats based on design capacity</p>
<p><u>Class 15</u></p> <ol style="list-style-type: none"> <li>1. All industrial uses not specifically mentioned otherwise</li> </ol>	<p>Two parking spaces per every one employee based on the maximum</p>

<ol style="list-style-type: none"> <li>2. All essential services and public services not specifically mentioned otherwise</li> <li>3. Concrete mixing plants</li> <li>4. Contractor and construction yards</li> <li>5. Federal, state, county or municipal garages</li> <li>6. Truck terminals</li> <li>7. Warehousing and wholesaling establishments</li> </ol>	number of employees scheduled to work any one shift
<u>Class 16</u> <ol style="list-style-type: none"> <li>1. Golf driving ranges</li> </ol>	One parking space per tee box
<u>Class 17</u> <ol style="list-style-type: none"> <li>1. Golf courses - public or private</li> </ol>	100 spaces per nine holes

### Section 5-9 Off-Street Loading Facilities – Design and Location Standards

All off-street loading facilities designed hereafter shall conform to the following minimum standards.

### Section 5-10 Requirement For Loading Spaces

Every loading space shall conform to the following requirements below, exclusive of any aisle or maneuvering area that may be required. Such spaces shall be clearly designated by markings that delineate each space, and shall be re-laid or restored as often as necessary to maintain such delineation.

- a) Minimum loading space width 12 feet
- b) Minimum loading space length 50 feet
- c) Minimum vertical clearance 15 feet

#### 5-10.1 REQUIREMENT FOR ACCESS

Every off-street loading space shall have a safe means of vehicular access and shall be located on the same parcel of land as the use is served. It shall not be located closer than 50 feet to an intersection of the right of way of two or more streets.

#### 5-10.2 REQUIREMENTS FOR LOADING AREA SURFACE

All newly constructed off-street loading areas shall be improved with either of the following:

- a) Sub-base: Crushed stone CA-6 – 8” deep (compacted thickness)  
Surface: I-11 – 4” deep asphalt (compacted thickness)

- b) Sub-base: Crushed stone – 4” deep (compacted thickness) or lime modified  
Surface: 6" deep concrete

#### **5-10.3 REQUIREMENTS FOR BUFFER STRIPS**

No loading space designed for vehicles exceeding a two-ton cargo capacity, shall be developed closer than fifty feet (50') to any lot line in any residential district, unless such loading space is completely enclosed by a wall, a solid fence, or a privacy screen as described in Section 4-17.

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## Article 6 – Non -Conformities

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### Section 6-1 Purpose of Article

The requirement imposed by this Ordinance are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various Residential, Commercial, and Industrial Districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the over-taxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.

### Section 6-2 Non-Conforming Lots

Any vacant lot that does not conform to one or more of the lot size requirements of the district in which it is located may be used in the manner indicated at Subsections 6-2.1 and 6-2.2 if it:

- a) Is of record on the date of the adoption or amendment of this Ordinance; and
- b) Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- c) Is at least fifty (50) feet wide.

#### 6-2.1 RESIDENTIAL

On any existing non-conforming lot located in any district, any permitted structures may be erected, provided all the bulk (see definitions) and setback regulations of the particular district are observed. If the bulk and setback regulations cannot be met then a variance provided for in Section 9-3 must be obtained.

#### 6-2.2 OTHER DISTRICTS

On any existing non-conforming lot located in the Commercial or Industrial Districts, any structure permitted in the particular district may be erected if the bulk and setback requirements of that district are met. If the bulk and setback regulations cannot be met then a variance provided for in Section 9-3 must be obtained.

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### Section 6-3 Non Conforming Structures

Any lawful structure which exists on the date of the enactment or amendment of this Ordinance, but which could not be erected under the terms of this Ordinance because of restrictions on lot size, height, setbacks, lot coverage, or other characteristics of the structure, or its location on the lot, may lawfully remain, subject to the following provisions:

- a) Enlargement, Alterations. No such structure shall be enlarged or altered in any way which increases its non-conformity.
- b) Relocation. No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- c) Reconstruction. Any structure (residential, commercial or industrial) destroyed or damaged may be reconstructed provided it meets the following regulations:
  1. The new structure shall not exceed the square footage of the original structure.
  2. The setback requirements of the new structure shall not be less than the setback of the original structure.
  3. Construction of the new structure must begin within one (1) year from the date the damage or destruction occurred.

### Section 6-4 Non Conforming Uses Occupying a Structure

If any lawful use occupying a structure exists on the date of the enactment or amendment of this Ordinance, but would not be allowed under the terms of this Ordinance, such a use may lawfully continue, subject to the following provisions:

- a) Maintenance. Any structure housing a non-conforming use may be maintained through ordinary repairs.
- b) Enlargement, Alteration, Reconstruction, Relocation. No structure housing a non-conforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.
- c) Extension of Use. No non-conforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the non-conforming use be extended to occupy any land outside such structure.

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- d) Change of Use. A non-conforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.
  - e) Discontinuance of Use. When a non-conforming use of a structure, or of a structure and premises in combination, is discontinued for twelve (12) consecutive months or for eighteen (18) months during any three-year period, the non-conforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the non-conforming user shall not be counted in calculating the length of discontinuance.

### Section 6-5 Non-Conforming Use of Land

Any lawful use of land existing on the date of the adoption or amendment of this Ordinance that would not be permitted under the terms of this Ordinance may lawfully continue, subject to the following provisions:

- a) Intensification or Extension of Use. A non-conforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the date of the adoption or amendment of this Ordinance.
- b) Relocation. No non-conforming use of land shall be moved, in whole or part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it will be located.
- c) Change of Use. A non-conforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.
- d) Discontinuance. When a non-conforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

### **Section 6-6 Open Land, Non-Conforming Use**

A non-conforming use not enclosed in a building or structure, or one in which the use of the land is a use exercised principally out-of-doors and outside of a building or structure shall after three (3) years from the date of notification become a prohibited and unlawful use and shall be discontinued.

### **Section 6-7 Non-Conformities Under Permit Authority**

The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of structure or of land for which a permit was issued prior to the enactment of this Ordinance or any pertinent amendment thereto, provided that the work authorized by such permit is carried out and completed with diligence.



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## Article 7 – Administration and Enforcement

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### Section 7-1 CODE OFFICIAL

The office of Code Official of this municipality is hereby established. The Code Official shall be the executive head of this office.

#### 7-1.1 DUTIES

The Code Official is hereby authorized and directed to diligently administer and enforce the provisions of this Ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- a) To review applications pertaining to land, structures and the uses of land and/or structures;
- b) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Ordinance, and where there are violations, to initiate appropriate action to secure compliance;
- c) To receive and file all applications for amendments and special use permits;
- d) To maintain up-to-date records of this Ordinance including, but not limited to, district maps, special use permits, variances, interpretive decisions of the Planning Commission and the Board of Appeals, amendments, and all applications related to any of these matters;
- e) To periodically review the provisions of this Ordinance to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year;
- f) To cause copies of this Ordinance (including the district map) and any amendments thereto to be printed from time to time, as necessary; and
- g) To provide information to the general public on topics related to this Ordinance.

### Section 7-2 Building Permits

No lot or structure or part thereof that has been created, developed, erected, enlarged, altered, relocated, or reconstructed after the effective date of this Ordinance shall be used or occupied until a building permit has been issued. The Code Official shall issue no building permit unless he determines, by inspection, that the lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this Ordinance.

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## Section 7-3 Procedures Upon Violation

Whenever the Code Official determines, by inspection or by other means, that reasonable grounds exist for believing that any lot, structure, or use is in violation of this Ordinance, he shall so notify the responsible party in writing, and shall institute appropriate measures to secure compliance.

### 7-3.1 CORRECTIVE ACTION ORDER

To secure compliance with this Ordinance, the Code Official may issue a corrective action order. Such order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is served upon such party personally, sent by registered mail to his last known address, or posted in a conspicuous place on or about the affected premises. Corrective action orders shall include:

- a) A description of the premises sufficient for identification;
- b) A statement of what constitutes the violation;
- c) An outline of the remedial action necessary to effect compliance;
- d) The date by which the violation must be corrected;
- e) The date by which any appeal of the correction order must be filed with the Board of Appeals, a statement of the procedure for so filing, and a statement that the failure to file an appeal shall be considered as a final decision of the Zoning Board of Appeals;
- f) A statement that failure to abide by a corrective action order constitutes a separate violation of this Ordinance; and
- g) A statement of the penalties attached to any violation of this Ordinance.

### 7-3.2 STOP WORK ORDER

- a) Whenever any building or structure, including fixtures, is constructed, reconstructed, altered, repaired, converted, or maintained or any building or structure, or land, is used in violation of this Ordinance, the Code Official may order that such work be stopped immediately.
- b) Stop work orders can also be issued to any person, firm or construction site who allows its premises and/or any other adjacent premise, property, street or sidewalk, to become unsightly due to trash, nails, sand, rock, gravel, dirt, mud, building materials or any other substance likely to cause unsightly conditions or injure any person, vehicle or animal.
- c) The Code Official's stop-work order may be served on any person engaged in or responsible for such work or use, or may be posted in a conspicuous place on or about the affected premises. Failure to abide by a stop-work order shall be unlawful and deemed a separate violation of this Ordinance.

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- d) Any person served with a stop-work order related to a violation of this Ordinance, may appeal such stop-work order to the Zoning Board of Appeals.

### **Section 7-4 Emergency Measures**

Notwithstanding any other provisions of this Ordinance, whenever the Code Official determines that any violation of this Ordinance poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The Code Official shall take no such action until he has consulted with the City Attorney.

### **Section 7-5 COMPLAINTS**

Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Code Official. The Code Official shall record such complaints, immediately investigate, and, if necessary, institute appropriate corrective measures.

### **Section 7-6 Penalties and Remedies for Violation**

- a) Failure to comply with any provision of this Ordinance shall constitute a misdemeanor, and each day that such violation continues shall be considered a separate offense.
- b) Any person who is convicted of a violation of this Ordinance shall be fined not more than seven hundred fifty dollars (\$750.00).
- c) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this Ordinance.
- d) In addition to any other remedy or penalty, the City may institute any appropriate action or proceeding (1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use; (2) to prevent the occupancy of the building, structure or land; (3) to prevent any illegal act, conduct, business or use in or about the premises; (4) to restrain, correct or abate the violation; or (5) to take such other action available at law or equity to enforce the terms, purposes and intent of this Ordinance.

### **Section 7-7 Review Under Administrative Review Law**

All final decisions of the Zoning Board of Appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto.

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## Article 8 – Special Uses and Amendments

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### Section 8-1 Planning Commission Established

The Planning Commission of this municipality is hereby established in accordance with Illinois law. See Chapter 16 of the Code of Ordinances.

### Section 8-2 Special Use Permits

This Ordinance divides this municipality into various districts, and permits in each district only those uses which are clearly compatible with one another. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land and uses, and for the public need for the particular uses at the particular location. Such uses fall into three (3) categories:

- a) Uses publicly operated or traditionally affected with public interest;
- b) Uses entirely private in character, but of such an unusual nature that their operation may give to unique problems with respect to their impact upon neighboring property, public facilities, or the City as a whole;
- c) Uses, either public or private, that because of past or present conditions, need special consideration.

#### 8-2.1 APPLICATION

- a) Every application for a special use shall be filed on forms provided by the Building Inspector who shall review said application and initiate a permanent record thereof.
- b) In addition to the required application form, the Building Inspector shall require the applicant to submit a site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.
- c) After the final site plan has been completed and approved, it shall become a permanent site plan and shall not be modified, nor shall any additions be made thereto, except with the applicable provisions of this section.

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- d) The Building Inspector shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning Commission.

### **8-2.2 HEARING**

The Planning Commission shall hold a public hearing on any application for a special use permit not later than thirty (30) days after its filing. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

### **8-2.3 NOTICE**

Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- a) By first class mail to the applicant and to every owner of property adjacent to the premises for which the special use permit is requested; and
- b) By publication in a newspaper of general circulation within this municipality.

This notice shall indicate the time, date, and place of the hearing, the particular location for which the special use permit is requested, and the nature of the proposed special use.

### **8-2.4 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:

- 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;
- 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;
- 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;
- d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- e) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestions in the public streets;
- 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.

- 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.
- h) The special use, as conditioned, is in keeping with the general purposes of this Ordinance and the Troy Growth Management Plan.

#### **8-2.5 FINDING OF FACT, RECOMMENDATION**

- a) The Planning Commission may recommend approval or denial of the application for special use permit by simple majority vote.
- b) The Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the City Council within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for special use permit.
- c) 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:
  - 1. The extent to which the proposed special use departs from the zoning and subdivision regulations of the City;
  - 2. The conformance or nonconformance of the proposed special use with the Standards for Issuance section;
  - 3. The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;
  - 4. The effect of the proposed special use on the development pattern, tax base, and economic well being of the City.
- d) Special conditions, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Planning Commission's findings.
  - 1. In recommending that a special use permit be granted, the Planning Commission shall stipulate if the permit is transferable to successive owners of the property in question, or if the permit is not transferable to any other person or any other property.

#### **8-2.6 ACTION BY THE CITY COUNCIL**

- a) The City Council shall not act upon a proposed special use permit application until it has received and reviewed a written recommendation and findings of fact from the Planning Commission.

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- b) The City Council may, by simple majority vote, grant or deny any special use permit for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning Commission.
1. The favorable vote of at least two-thirds of the members of the City Council is required to pass an amendment to this Ordinance in each of the following instances:
    - A. When passage would be contrary to the recommendation of the Planning Commission.
    - B. When the amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.
- c) The City Council, having voted to grant any special use permit, shall adopt said permit in ordinance form, at their next regularly scheduled meeting.

#### **8-2.7 EFFECT OF DENIAL**

No application for a special use permit which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the City Council.

#### **8-2.8 DURATION OF PERMIT**

Any ordinance granting a special use permit shall be invalid one (1) year from the date of its passage and approval by the City Council, unless the special use, as permitted, has been substantially implemented by the applicant.

- a) The City Council shall require any special use permit which is issued, to stipulate the conditions of its duration if the property is sold to another person.

### **Section 8-3 Temporary Use Permits**

As set forth at Article 3, Section 3-5, requests for temporary use permits shall be treated in the same manner as requests for special use permits. Temporary use permits shall not exceed one (1) year from the time of approval, however, an extension period of one (1) year may be obtained from the City Council.

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## Section 8-4 AMENDMENTS

In accordance with Illinois law and the provisions of this Section, the City Council may amend the regulations imposed and the districts established in this Ordinance. Any proposed alteration of district boundaries, zoning classification, or proposed change in the status of any use—whether permitted, special, or prohibited—shall be treated as a proposed amendment, and dealt with accordingly. Amendments may be proposed by the City Council, the Code Official, Planning Commission, Board of Appeals or any party of interest.

### 8-4.1 FILING

Any proposal to amend this Ordinance shall be filed on a prescribed form with the Code Official, who shall forward it, together with his recommendation, to the Planning Commission.

### 8-4.2 HEARING

The Planning Commission shall hold a public hearing on every amendment proposal not later than thirty (30) days after its filing. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney.

### 8-4.3 NOTICE

Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- a) By first class mail<sup>11</sup> to the applicant and to every owner of property adjacent to the premises for which the amendment is requested; and
- b) By publication in a newspaper of general circulation within this municipality.

This notice shall indicate the time, date, and place of the hearing, the particular location for which the amendment is requested, and the nature of the proposed amendment.

### 8-4.4 RECOMMENDATION/FINDINGS OF FACT

Not later than ten (10) days after the public hearing, the Planning Commission shall submit their recommendation /findings of fact in writing to the City Council. The Planning Commission shall not recommend the adoption of any amendment unless they find that such amendment is in the public interest and not merely for the benefit of the party proposing it. Where the effect of a proposed amendment is to alter district boundaries or to change the status (permitted, special, or prohibited) of any use, the Planning Commission shall make findings regarding all of the following matters:

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<sup>11</sup> Amended wording as per Ordinance 2002-12 adopted May 20, 2002.



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- a) Existing uses of property in the vicinity of the property in question;
  - b) The district classification of property in the vicinity of the property in question;
  - c) The suitability of the property in question for uses already permitted under the existing district classification;
  - d) The trend of development in the vicinity of property in question, including changes (if any) which may have taken place since that property was placed in its present district classification.
  - e) Whether the proposed amendment is in the public interest and not merely for the benefit of the party proposing it.

#### **8-4.5 DECISION BY CITY COUNCIL**

The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Planning Commission's recommendation. Except as provided in Article 8, Section 8-4.6, the City Council, without further public hearing, may by simple majority vote, pass any proposed amendment or may refer it back to the Planning Commission for further consideration.

#### **8-4.6 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED**

The favorable vote of at least two-thirds of the members of the City Council is required to pass an amendment to this Ordinance in each of the following instances:

- a) When passage would be contrary to the recommendation of the Planning Commission.
- b) When the amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

#### **8-4.7 NOTICE TO APPLICANT OF WRITTEN PROTEST**

In cases of written opposition to an amendment of this Ordinance as prescribed in Subsection 8-4.6(b), a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by registered mail at the address of such applicant and attorney shown in the applicant for the proposed amendment.

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## Article 9 - Matters Entrusted to the Board of Appeals

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### Section 9-1 Board of Appeals Established

The Zoning Board of Appeals of this municipality is hereby established in accordance with Illinois law. The Zoning Board of Appeals shall hereinafter be referred to as the Board of Appeals.

#### 9-1.1 MEMBERSHIP, APPOINTMENT, COMPENSATION

The Board of Appeals shall consist of seven (7) members, all of whom reside within the City. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. One (1) of the members so appointed shall be named as Chairman at the time of his appointment. The Board of Appeals shall select one (1) of its members to be the vice-chairman and one (1) the secretary. Each Board member shall receive compensation as established by the City Council.

#### 9-1.2 TERMS OF OFFICE, VACANCIES

Each Board member shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified. With the advice and consent of the City Council, the Mayor may remove any member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

#### 9-1.3 MEETINGS, QUORUM

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such time as the Board may determine. All Board meetings shall be open to the public. The Board of Appeals may adopt their own rules of meetings procedures consistent with this Code and the applicable Illinois statutes. The Board of Appeals may select such officers as it deems necessary. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. Four (4) members of the Board shall constitute a quorum, and the affirmative vote of at least four (4) members shall be necessary to authorize any Board of Appeals action.

#### 9-1.4 RECORDS

The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board of Appeals shall be filed immediately in the City Clerk's office and shall be a public record.

### **9-1.5 DECISIONS**

The concurring vote of four (4) members of the Board of Appeals shall be necessary to authorize any Board of Appeals action. The decision of the Board of Appeals shall be by resolution and shall contain its findings of fact. A copy shall be sent to the City Council.

### **9-1.6 PERIOD OF VALIDITY**

No decision by the Board of Appeals granting a variance shall be valid for a period of longer than twelve (12) months from the date of such decision unless:

- a) An application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started; or
- b) An occupancy permit is obtained and a use is commenced.

However, the Board of Appeals may grant additional extensions of time not exceeding one-hundred eighty (180) days, each upon written application made within the initial twelve (12) month period, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

### **9-1.7 FINALITY OF DECISIONS OF THE BOARD OF APPEALS**

All decisions of the Board of Appeals shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of one (1) year unless the facts and/or request have substantially changed. The Zoning Board will need to pass a resolution each time it takes action on a variance or appeal.

### **9-1.8 OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS**

The secretary of the Board of Appeals shall be appointed by the Board of Appeals to serve until a successor is appointed. The secretary shall record the minutes of the Board of Appeal's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The secretary shall perform such other duties as may be assigned from time to time by the Board of Appeals.

## **Section 9-2 APPEALS**

Any person aggrieved by any decision or order of the Code Official in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the Zoning Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this section. ( See 65 ILCS 5/11-13-12)

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### **9-2.1 FILING, RECORD TRANSMITTAL**

Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Code Official and the Board of Appeals a written notice specifying the grounds for appeal. Not more than five (5) working days after the notice of appeal has been filed, the Code Official shall transmit to the Board of Appeals all records pertinent to the case.

### **9-2.2 STAY OF FURTHER PROCEEDINGS**

An appeal stays all further action on the matter being appealed unless the Code Official certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause, and so notifies the Code Official.

### **9-2.3 PUBLIC HEARING, NOTICE**

The Board of Appeals shall hold a hearing on every appeal not later than thirty (30) days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

### **9-2.4 NOTICE**

Notice indicating the time, date and place of the hearing and briefly describing the issue to be decided shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- a) By certified mail to the applicant;
- b) By first-class mail to all owners of property contiguous to any property affected by the appeal; and
- c) By publication in a newspaper of general circulation within this municipality.

### **9-2.5 DECISION BY BOARD OF APPEALS**

The Board of Appeals shall be required to decide all appeals within fifteen (15) days after the final hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner they deem appropriate. A copy of the Board's resolution shall be transmitted to the applicant or appellant and to the Code Official. Such decision shall be binding upon the Code Official and observed by him and he shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Board. All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.

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*NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the Code Official or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the Code Official. (See 65 ILCS Sec. 5/11-13-3)*

### **Section 9-3 Variances**

A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure. A so-called “use variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in Section 8-4.

#### **9-3.1 APPLICATION**

Every application for a variance shall be filed with the Code Official on a prescribed form. The Code Official shall promptly transmit said application, together with any device he might wish to offer, to the Board of Appeals. The application shall contain sufficient information to allow the Board of Appeals to make an informed decision, and shall include, at a minimum, the following:

- a) Name and address of applicant;
- b) Location of the structure/use for which the variance is sought;
- c) Brief description of adjacent lots, structures, and/or uses;
- d) Brief description of the problems/circumstances engendering the variance request;
- e) Brief, but specific, explanation of the desired variance;
- f) Payment of a public hearing deposit;
- g) Any other pertinent information that the Code Official may require.

#### **9-3.2 PUBLIC HEARING, NOTICE**

The Board of Appeals shall hold a public hearing on each variance request not later than thirty (30) days after its filing. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance shall be given not more than thirty (30) days nor less than fifteen (15) days before the hearing;

- a) By certified mail to the applicant;

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- b) By first-class mail to all owners of property contiguous to the property affected by the proposed variance; and
  - c) By publication in a newspaper of general circulation within this municipality.

### **9-3.3 STANDARDS FOR VARIANCES**

The Board of Appeals shall not grant any variance unless they find that the proposed variance is consistent with the general purposes of this Ordinance, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically, the Board of Appeals shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

- a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and
- b) The plight of the applicant is due to peculiar circumstances; and
- c) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment; and
- d) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this municipality's Growth Management Plan; and
- e) The variance, if granted, will not be detrimental to the public health, safety, and welfare.

### **9-3.4 DECISION BY BOARD OF APPEALS**

The Board of Appeals shall be required to submit a resolution on all applications within fifteen (15) days after the final hearing thereon. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner they deem appropriate. A copy of the Board of Appeal's resolution shall be transmitted to the applicant or appellant and to the Code Official. Such decision shall be binding upon the Code Official and observed by him and he shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Board. The Board shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying any requested variance.

**Section 9-4 FILING FEES**

By resolution, the City Council shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the City and are non-refundable. A current schedule of filing fees shall be maintained in the Code Official's office and on file with the City Clerk.

Schedule 13: Area and Bulk Regulations; Parking Requirements

ZONING DISTRICT	MINIMUM DISTRICT SIZE	MAXIMUM NUMBER OF DWELLING UNITS	MINIMUM DWELLING UNIT AREA OR COMMERCIAL TENANT SPACE IN SQ. FT.	MINIMUM LOT SIZE			MINIMUM YARD DIMENSIONS						MAXIMUM COVERAGE IN PERCENT OF LOT	MAXIMUM SIZE OF PRINCIPAL BUILDING	MAXIMUM HEIGHT OF PRINCIPAL BUILDING	MAXIMUM HEIGHT OF ACCESSORY BUILDING	ACCESSORY BUILDINGS - MINIMUM DISTANCE TO:					MINIMUM OFF-STREET PARKING
				AREA IN SQ. FT. OR ACRES	WIDTH AT BUILDING LINE	MEAN DEPTH IN LINEAL FEET	DEPTH OF FRONT YARD	DEPTH OF SIDE YARD ABUTTING A STREET	DEPTH OF SIDE YARD ABUTTING A LOT	DISTANCE TO NEAREST PRINCIPAL BUILDING ON ADJACENT LOT	DEPTH OF REAR YARD	PRINCIPAL BUILDING					FRONT LOT LINE	SIDE LOT LINE ADJACENT TO A STREET	SIDE LOT LINE	REAR LOT LINE		
A-R AGRICULTURAL RESERVE	N/A	1 per acre	N/A	1 acre	150 feet	150 feet	50 feet	50 feet	50 feet	25 feet	50 feet	50 feet	10%	N/A	35 feet	35 feet	20 feet	50 feet	50 feet	25 feet	50 feet	2 per unit
R-1 SINGLE FAMILY RESIDENTIAL	5 acres	1 per lot	*1,200 sq. ft. for all single family residences	13,000 sq. ft. for corner lots; 11,500 sq. ft. for remaining lots	90 feet	125 feet	30 feet	30 feet	12 feet	24 feet	25 feet	30%	N/A	35 feet	15 feet	10 feet	N/A	30 feet	5 feet	5 feet	5 feet	2 per unit
R-1A SINGLE FAMILY RESIDENTIAL	5 acres	1 per lot	*1,200 sq. ft. for all single family residences	9,500 sq. ft. for corner lots; 8,250 sq. ft. for remaining lots	75 feet	110 feet	25 feet	25 feet	7.5 feet	15 feet	25 feet	30%	N/A	35 feet	15 feet	10 feet	N/A	30 feet	5 feet	5 feet	5 feet	2 per unit
R-2 TWO FAMILY RESIDENTIAL	5 acres	2 per lot	900 sq. ft. for each unit for duplex residences	13,000 sq. ft. for corner lots; 11,500 sq. ft. for remaining lots	110 feet for 2 family	100 feet	30 feet	30 feet	12 feet	24 feet	25 feet	40%	N/A	35 feet	15 feet	10 feet	N/A	30 feet	5 feet	5 feet	5 feet	2 per unit
R-3 MULTI FAMILY RESIDENTIAL	3 acres	1 per 5,750 sq. ft. of lot area	900 sq. ft. for each unit for apartment residences	13,000 sq. ft. for corner lots; 11,500 sq. ft. for remaining lots	50 feet per dwelling unit	100 feet	30 feet	30 feet	12 feet	24 feet	25 feet	40%	N/A	35 feet	15 feet	10 feet	N/A	30 feet	5 feet	5 feet	5 feet	2 per unit
MH MANUFACTURED HOME RESIDENTIAL	N/A	1 per lot	950 sq. ft.	9,500 sq. ft. for corner lots; 8,000 sq. ft. for remaining lots	60 feet	100 feet	30 feet	30 feet	12 feet	24 feet	20 feet	40%	N/A	35 feet	15 feet	10 feet	N/A	25 feet	5 feet	5 feet	5 feet	2 per unit
C-1 NEIGHBORHOOD COMMERCIAL	2 acres	N/A	300 sq. ft.	13,000 sq. ft. for corner lots; 11,250 sq. ft. for remaining lots	90 feet	125 feet	30 feet	30 feet	12 feet	24 feet	10 feet	60% (bldg/ park)	3,500 sq. ft.	1 story or 25 ft above grade	NOT PERMITTED					See Section 5-2		
C-2 GENERAL COMMERCIAL	5 acres	N/A	350 sq. ft.	22,500 sq. ft.	150 feet	150 feet	30 feet	30 feet	12 feet	24 feet	10 feet	50%	25,000 sq. ft.	2 stories above grade	20 feet	10 feet	N/A	30 feet	10 feet	10 feet	10 feet	See Section 5-2
C-3 HIGHWAY COMMERCIAL	10 acres	N/A	350 sq. ft.	22,500 sq. ft.	150 feet	150 feet	50 feet	30 feet	12 feet	24 feet	10 feet	50%	N/A	3 stories or 50 ft. max.	20 feet	10 feet	N/A	50 feet	10 feet	10 feet	10 feet	See Section 5-2
C-4 OLD TOWN	CONTACT THE BUILDING AND ZONING DEPT. FOR REQUIREMENTS																					
I-1 LIGHT INDUSTRY	3 acres	N/A	350 sq. ft.	43,560 sq. ft.	150 feet	150 feet	50 feet	50 feet	25 feet	50 feet	25 feet	50%	N/A	3 stories or 50 ft. max.	35 feet	10 feet	50 feet	50 feet	25 feet	25 feet	25 feet	See Section 5-2
I-2 GENERAL INDUSTRY	3 acres	N/A	350 sq. ft.	43,560 sq. ft.	150 feet	150 feet	50 feet	50 feet	25 feet	50 feet	25 feet	60%	N/A	3 stories or 50 ft. max.	35 feet	10 feet	50 feet	50 feet	25 feet	25 feet	25 feet	See Section 5-2



**SCHEDULE 14: PERMITTED AND SPECIAL USES IN THE ZONING CLASSIFICATIONS**

(P = Permitted Use; S = Special Use)

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Accessory uses	P	P	P	P	P	P		P	P	P	P	P
Agricultural uses	P		P									
Ambulance and paramedic services								P	P			
Amusement establishments	P							P	P			
Antique stores								P	P	P		
Apparel stores								P	P	P		
Arboretums and botanical gardens	P											
Archery ranges, indoor								P	P			
Architectural and planning services								P	P			
Art and school supply stores								P	P			
Art galleries or museums								P	P	P		
Asphalt plants												P
ATMs							P	P	P	P		
Auditoriums									P			
Auto accessory stores								P	P	P		
Auto dealers, new or used								P	P			
Auto laundries and car washing facilities								P	P			
Auto leasing facilities								P	P			
Auto service facilities (major repairs, towing, etc.)*									P		P	P
Auto service facilities (minor repairs, tune ups, oil changes, etc.)								P	P			
Bakeries							P	P	P	P		
Banks								P	P	P		

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Barber shops/beauty salons/spas							P	P	P	P		
Bars, taverns, lounges and wineries								P	P	P		
Bicycle shops (sales, rental and repair)								P	P	P		
Billiard and pool halls								P	P	P		
Boat sales and service								P	P			
Book stores							P	P	P	P		
Bowling alleys								P	P			
Building materials and products sales and service, no outside storage								P	P	P	P	P
Bus passenger stations								P	P			
Business and office machine sales and services								P	P	P		
Camera stores								P	P	P		
Camper/motor home sales and leasing*									P		P	P
Candy and confectionery stores							P	P	P	P		
Catering								P	P	P		
Cemeteries	P											
China and glassware stores								P	P	P		
Churches	S	S	S	S	S		S	P	P	P		
Clothing and costume rental shops								P	P			
Clubs and lodges								P	P			
Coffee shops							P	P	P	P		
Concrete plants												P
Condominiums					P							
Contractor and construction yards*											P	P
Convalescent and nursing homes								P	P	S		

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Convenience stores with gas pumps								P	P			
Convenience stores without gas pumps							P	P	P	P		
Convention centers									P			
Craft and hobby stores							P	P	P	P		
Dairies and creameries												P
Dairy product stores							P	P	P	P		
Dance halls									P			
Daycare centers, nurseries and preschools		S	S	S	S		P	P	P	P		
Department stores								P	P			
Discount stores								P	P			
Drapery stores								P	P			
Dress making stores								P	P			
Driving ranges	P							S	S			
Drug stores							P	P	P	P		
Dry cleaners								P	P	P		
Electrical repairs services*								P	P		P	P
Employment agencies								P	P			
Engineering and surveying services								P	P			
Equipment rental and leasing services with indoor storage								P	P			
Equipment rental services with outdoor storage*								P	P		P	P
Exterminator services								P	P			
Fairgrounds and exhibition grounds	P								S		S	S
Farm and hydraulic equipment sales and service*									P		P	P
Fitness centers, gyms, health clubs							P	P	P	P		

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Flea markets – enclosed within a building*								P	P		P	P
Flea markets – open									S		S	S
Floral shops								P	P	P		
Food stores including delicatessens							P	P	P	P		
Funeral parlors								P	P			
Furniture stores								P	P	P		
Garage displays									P		P	P
Garages – federal, state, county or municipal*											P	P
Gift shops								P	P	P		
Golf courses, miniature size								P	P			
Golf courses, regulation size	P	S	S	S	S							
Government uses of the City of Troy	P			S	S			P	P			
Grain elevators												P
Grocery stores and supermarkets								P	P			
Hardware stores							P	P	P	P		
Home appliances stores								P	P	P		
Home occupations		P	P	P	P	P						
Hospitals									P			
Hotels and motels								S	P			
Ice and dry ice plants												P
Ice cream stores							P	P	P	P		
Internet service provider facilities								P	P			
Jewelry stores								P	P	P		
Kennels	P											
Laboratories									P		P	P

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Landscaping services*								P	P		P	P
Laundromats							P	P	P			
Laundry and dry cleaning plants												P
Locksmiths								P	P			
Lumber yards with outbuildings*											P	P
Machine shops*									P		P	P
Machinery sales and service*									P		P	P
Mail order houses									P			
Manufacturing and industrial activities including, fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging, and storage of materials, products and goods that can be conducted wholly, within enclosed buildings												P
Manufacturing of clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods												P
Manufacturing of petroleum products, chemicals and natural or liquid gases												P
Manufacturing of pharmaceutical products, including compounding of cosmetics and toiletries												P
Manufacturing of plastic, rubber, steel and wood products, etc.												P
Manufacturing or assembly of boats, firearms, machinery and hardware products and vehicles												P

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Manufacturing or assembly of medical equipment, drafting optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus and computer equipment												P
Manufacturing or storage of food, including beverage blending or bottling, bakery products, candy manufacturing, fruit or vegetable processing or canning of food products												P
Meat markets								P	P	P		
Meat processing plants (packing and processing of meat, poultry and animals)											P	P
Medical and dental clinics								P	P			
Meeting halls								P	P	P		
Microwave and radar tower installations											P	P
Mobile and manufactured home sales									P		S	S
Mobile or manufactured homes						P						
Modular homes		P	P									
Monument manufacturing*									P		P	P
Monument sales								P	P			
Motor vehicle repair and service facilities (buses, tractor trailers, etc.)*											P	P
Motor vehicle sales, new and used (buses, tractors, etc.)											P	P
Motorcycle sales								P	P			
Movie theaters - indoor								P	P			
Multiple family dwellings					P							
Music stores								P	P	P		

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Newspaper and periodical publishing								P	P		P	P
Nurseries and greenhouses*	P							P	P		P	P
Office supply and stationery stores								P	P	P		
Offices utilizing more than two company vehicles and/or outside storage								P	P			
Offices with no more than two company vehicles								P	P	P		
Package liquor stores								P	P			
Paint and wallpaper stores								P	P	P		
Parks with outdoor illumination	P							P	P			
Parks without outdoor illumination	P	P	P	P	P	P	P	P	P	P		
Pet shops								P	P			
Photography studios									P			
Planned developments	S	S	S	S	S		S	S	S	S	S	S
Post offices									P			
Printing and copying services								P	P	P		
Public libraries									P			
Public utility company yards - no production*											P	P
Racetracks	P											
Radio, television, stereo and electronics sales									P			
Recreation and entertainment – indoor								P	P	P		
Recreation and entertainment – outdoor								P	P			
Research and development of certain commodities*											P	P
Restaurants (high turnover, fast food)								P	P			
Restaurants (low turnover, sit down, no drive-thru)							P	P	P	P		

	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Retirement and assisted living centers					S		S	P	P	S		
Schools – colleges, universities, technical and trade schools	S							S	P			
Schools – elementary and high school	S	S	S	S	S		S	P	P			
Sharpening and grinding businesses								P	P		P	P
Shoe and clothing repair and alteration shops								P	P	P		
Shoe stores								P	P			
Shopping centers, malls and outlet malls									P			
Single family dwellings		P	P									
Skating rinks - indoor								P	P			
Specialized living accommodations				S	P							
Sporting facilities - indoor								P	P			
Sporting goods stores								P	P	P		
Stadiums	P								P		S	S
Storage units, public*									P		P	P
Swimming pools, private		S	S	S	S		S	P	P	S		
Swimming pools, public								P	P			
Taxi garages*									P		P	P
Telecommunications facilities and towers											P	P
Tire, battery and other automotive and light duty vehicle accessory services								P	P			
Tobacco shops								P	P	P		
Towing services*									P		P	P
Townhouses					P							
Toy stores								P	P	P		
Transit or transportation facilities (no storage yard)									P			



	A-R	R-1	R-1A	R-2	R-3	M-H	C-1	C-2	C-3	C-4	I-1	I-2
Travel centers (auto and truck)									S		S	S
Two family dwellings				P								
Uniplexes				P								
Utility substations	P	S	S	S	S	S					P	P
Veterinary services with outdoor pens	P								S			
Veterinary services without outdoor pens								P	P			
Video rental and sales stores								P	P			
Warehousing and storage where no more than four loading docks take up 25% or less of exterior wall area*											P	P
Wholesale establishments where no more than four loading docks take up 25% or less of exterior wall area *											P	P
Wineries without vineyards								P	P	P		
Wineries with vineyards	P											