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STATE OF ILLINOIS
MADISON COUNTY
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AMY M. MEYER, RECORDER

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



410.00

Ordinance No. 2017 - 09

AN ORDINANCE Amending Chapter 153 of the Troy Municipal Code
(Also known as the Subdivision Ordinance)

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

THIS 1ST DAY OF MAY 2017

Whereas, the City of Troy, Madison County, Illinois presently has in force Chapter 153 – Subdivision Code which is contained in the Troy Municipal Code and is also known as the Subdivision Ordinance; and

Whereas, the Planning Commission has performed a review of the city's Subdivision Ordinance and believes that changes are necessary to comply with updated state requirements and standards and to help more effectively manage development in the City; and

Whereas, the Planning Commission has determined that the review of the Subdivision Ordinance should be done in three phases with the chapters titled Final Plat and Amendments to Chapter being the third phase; and

Whereas, the Planning Commission held a public hearing on April 20, 2017 to consider amending the third phase of the Subdivision Ordinance; and

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

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

Now, Therefore, be it ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

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

SECTION 2: That certain sections of *Chapter 153 Subdivision Code* of the Troy Municipal Code of Ordinances are amended as described in Exhibit A.

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

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

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

Passed by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this first day of May, 2017.

Aldermen:

DeCarli Aye

Greenfield Aye

Hendrickson Abstain

Italiano Aye

Jackson Aye

Partney Aye

Turner Aye

Zarzecki Absent

Total:

6 Ayes

0 Nays

APPROVED:



Allen P. Adomite
Mayor, City of Troy, Illinois

ATTEST:



Jamie Myers, City Clerk



FINAL PLATS

Exhibit A

§ 153.185 GENERAL PROVISIONS.

Every person who seeks final approval for the proposed subdivision of any land located within the subdivision jurisdiction of the city shall file 2 copies of a final plat of the subdivision with the Code Administrator, along with 2 copies of all supporting documentation, and 1 electronic copy of a final plat of the subdivision and all supporting documentation.

- (A) The County Recorder of Deeds shall not record any final plat of a subdivision located within the subdivision jurisdiction of the city until the final plat has been approved by the City Council.
- (B) The City Council shall not approve any final plat unless it determines that the plat is in compliance with all pertinent requirements of this chapter, including those set forth below.

The subdivider/developer of every subdivision, whether major or minor, but excluding land specifically exempted from the Illinois Plat Act as now or hereafter amended (ILCS Ch. 765, Act 205, § 1(b)), who desires final plat approval, shall file 2 copies of the final plat and supporting data with the Code Administrator not later than 1 year after preliminary plat approval has been granted; provided, however, that with the consent of the City Council, the subdivider/developer may delay application for final approval of part(s) of the tract shown on the preliminary plat, for successive 1 year periods not to exceed 5 years.

(Ord. 2009-21, § 18.5-4-30, passed 10-5-2009)

§ 153.186 REQUIREMENTS FOR FILING.

- (A) Every final plat shall be prepared by a land surveyor registered in the state and drawn with waterproof black ink on new Mylar or other material of similar durability.
- (B) The plat shall be at any scale necessary for clarity, preferably no smaller than one inch equals 100 feet, provided the resultant drawing does not exceed 30 inches by 36 inches, and shall provide all of the following information:
 - (1) Identification as a "Final Plat" and name of the proposed subdivision;
 - (2) North arrow, graphic scale and data;
 - (3) The names, addresses and phone numbers of the subdivider/developer, owner and land surveyor who prepared the plat;
 - (4) Accurate metes and bounds or other adequate legal description of the tract;
 - (5) Accurate boundary lines, with dimensions and bearing or angles which provide a survey of the tract, closing with an error of closure of not more than 1 foot in 10,000 feet;

- (6) Locations of all monuments;
 - (7) Reference to recorded plats of adjoining platted land by record name, plat book and page number;
 - (8) Accurate locations and names of all existing streets intersecting the boundaries of the subdivision;
 - (9) Right-of-way lines of all streets, other rights-of-way, easements and lot lines with accurate dimensions, angles or bearings and curve data, including radii, arcs or chords, points of tangency and central angles;
 - (10) Name and right-of-way width of every proposed street;
 - (11) Location, dimensions and purpose of any existing or proposed easements;
 - (12) Number of each lot, lot dimensions and lot area in square feet;
 - (13) Addresses for each lot as approved by the 9-1-1 Coordinator and illustrated within an oval, provided that on any corner or through lot, each possible address shall be illustrated at the appropriate street frontage;
 - (14) Building or setback lines with accurate dimensions;
 - (15) Location(s) and purpose(s) for any sites, other than private lots, that are reserved;
 - (16) Floodplain and floodway limits mapped based on current FEMA/FIRM and floodway maps – including reference to preliminary FEMA/FIRM, floodway maps, or recent hydraulic studies.
 - (17) Lowest allowable sill elevation shall be designated on the final plat for each lot located partially or fully within a mapped floodplain or within the high-water elevation predicted for the design storms of a major stormwater conveyance system;
 - (18) Reference to the requirement that all first-floor entry elevations shall be greater than 1-foot above the back-of-curb height at the road unless pre-approved by the City.
 - (19) Locations, dimensions and areas of any parcels to be reserved for public purposes;
 - (20) Location, type and width of existing and proposed easements for access to proposed green spaces;
 - (21) An index, should 2 or more sheets be used; and
 - (22) Preparations Date and Revision Date.
- (C) As a separate supporting document, the subdivider/developer shall submit written restrictions of all types, which will run with the land and become recorded covenants in the deeds of lots and common grounds.
- (D) As a separate supporting document, the subdivider developer shall also submit a completed "Final Plat Checklist", signed by both the developer and the engineer or surveyor who prepared the plat.

(E) As another separate supporting document, the subdivider/developer shall submit a completed "Certification of Agency Approval" form, signed by a professional engineer or land surveyor, registered in the state, and certifying that the following agencies were properly notified of the subdivision/development, as required, and that each has provided a "sign-off" for the development to proceed:

- (1) The Illinois Historic Preservation Agency (HPA - Archeological);
- (2) The Illinois Department of Natural Resources (IDNR - Endangered Species);
- (3) The Illinois Environmental Protection Agency (IEPA - NPDES NOI permit for sites over one acre in size);
- (4) Illinois Environmental Protection Agency (IEPA - water construction permit);
- (5) Illinois Environmental Protection Agency (IEPA - wastewater collection system permit - WPC-PS-1 and schedules as appropriate);
- (6) Joint 404 permit application (U.S. Army Corps of Engineers (USACE), Illinois Department of Natural Resources - Office of Water Resources (IDNR-OWR), Illinois Environmental Protection Agency (IEPA);
- (7) Illinois Environmental Protection Agency (IEPA-Water Quality Certification - 401);
- (8) The Soil Conservation Service (SCS - Land Use Review);
- (9) Illinois Department of Transportation (IDOT) entrance permit;
- (10) Illinois Department of Transportation (IDOT) grading permit;
- (11) Illinois Department of Transportation (IDOT) utility permit;
- (12) Madison County Highway Department entrance/highway permit;
- (13) Federal Aviation Administration FAA obstruction permit 7460-1 (projects near St. Louis Metro East Airport/Shafer Field - east of the city); and
- (14) AMCB/IEPA approval for projects to be added to the city's facility planning area.

(Ord. 2009-21, § 18.5-4-31, passed 10-5-2009)

§ 153.187 REQUIRED CERTIFICATES.

As required in part by state law (ILCS Ch. 765, Act 205, § 2), and by the county and the city, the following certificates shall be executed on all final plats.

(A) *Owner's certificate.*

We, [insert names of owners], the Owners of [insert legal description], have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as [insert subdivision name]. All rights-of-way and easements shown

hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois. The utility/drainage easements shown hereon are hereby dedicated to the City of Troy and the public and private utility companies, as their interests may appear for access (vehicular and pedestrian), survey, construction, and maintenance of utilities and other public purposes.

Dated this [date] day of [month], [year].

_____ [owner's signature] _____ (SEAL)

_____ [owner's signature] _____ (SEAL)

(B) Notary Public certificate.

State of Illinois)
) SS.
County of Madison)

I, [insert notary name], a Notary Public in and for the County aforesaid, do hereby certify that [insert names of owners], are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this [date] day of [month], [year].

_____ [notary's signature] _____ (SEAL)

Notary

Commission Expires

(C) Surveyor's certificate.

I, [insert surveyor's name], a professional Land Surveyor registered in the State of Illinois, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of [insert names of owners] for the purpose of subdividing the tract into lots as shown.

_____ [surveyor's signature] _____ (SEAL)

Illinois Land Surveyor

Registration Number

Date

(D) *County Clerk's certificate.*

I, [insert County Clerk's name], County Clerk of Madison County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

_____ [County Clerk's signature] _____ (SEAL)

County Clerk

Date

(E) *9-1-1 Coordinator's certificate.*

I, the undersigned, 9-1-1 Coordinator of Madison County, Illinois, do hereby approve this plat as to street names and addresses.

_____ [9-1-1 coordinator's signature] _____ (SEAL)

9-1-1 Coordinator
Madison County, Illinois

Date

(F) *Mapping and platting approval.*

Approved by Mapping and Platting this [date] day of [month], [year].

Signature

(G) *Certificate of City Council.*

I, [insert Mayor's name] Mayor of the City of Troy, do hereby certify that the plat shown herein was duly presented to the City Council, and approved at a meeting of same held on _____ [date] .

_____ [Mayor's signature] _____ (SEAL)

Mayor

_____ [City Clerk's signature] _____ (SEAL)

City Clerk

(H) *Flood hazard certificate.*

We, the undersigned, do hereby certify that [no part of this plat to be recorded] [part of this plat to be recorded, as illustrated,] is situated within special flood hazard area (with a 100-year return frequency or less) as identified by the Federal Emergency Management Agency.

By: _____ [owner's signature] _____ (SEAL)

Owner

By: _____ [owner's signature] _____ (SEAL)
Owner

By: _____ [surveyor's signature] _____ (SEAL)
Illinois Land Surveyor

Registration Number

Date

(I) *Surface water drainage certificate.*

We, the undersigned, do hereby certify that to the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of this subdivision or any part thereof, or if such surface water drainage will be changed, provisions have been made for the collection and diversion of said surface waters into public areas or drainage facilities which the subdivision has a right to use, and that management of said surface waters has been planned for in accordance with accepted engineering practices so as to prevent damage to any adjoining property as a result of construction of this subdivision.

By: _____ [owner signature] _____ (SEAL)
Owner

By: _____ [owner signature] _____ (SEAL)
Owner

By: _____ [engineer's signature] _____ (SEAL)
Illinois Professional Engineer

Registration Number

Date

(I) *Undermining certificate.*

We, the undersigned, do hereby certify that we have reviewed the Mined Out Coal area Map No. _____, as available from the Illinois State Geological Survey in Urbana, Illinois, and that it appears [part] [none] of the subdivided property shown hereon lies within a mined-out area.

By: _____ [surveyor's signature] _____ (SEAL)
Illinois Land Surveyor

Registration Number

Date

(K) Illinois Department of Transportation certification.

(For those subdivisions that provide access to a state highway, the following certification shall also be required and executed on the final plat.)

This plat has been approved by IDOT with respect to roadway access pursuant to 765 ILCS 205/2. However, if a highway permit for access is required by the owner of the property, a plan that meets the requirements contained in the Department's "Policy On Permits For Access Driveways To State Highways" will be required by the Department.

By: _____ [district engineer's signature] _____ (SEAL)

District Engineer

Date

(L) Local Highway Department Certification.

(For those subdivisions that provide access to a county or township highway, the following certification shall also be required and executed on the final plat.)

This plat has been approved by the [insert name of jurisdiction] with respect to roadway access pursuant to 765 ILCS 205/2.

_____ [signature] _____ (SEAL)

_____ [typed name of official] _____

Date

(M) Driveway, Sidewalk and Parking Lot Compaction Statement.

The Owner and/or Builder/ Developer with consultation of a qualified professional engineer will insure adequate compaction of grades under sidewalks, driveway and parking lots when installed over public road right-of-way and easements. The City of Troy assumes no responsibility for any settlement or pavement damage and the Owner and/or Builder/ Developer hereby agrees to hold the City harmless from any future costs or maintenance of said sidewalks, driveways, and/or parking lots.

By: _____ [owner signature] _____ (SEAL)

Owner

By: _____ [builder/ developer's signature] _____ (SEAL)

Builder/ Developer

(N) *Dam Coordination Statement.*

(For those subdivisions that have a dam that should be permitted with the IDNR, the following certification shall also be required and executed on the final plat.)

We the undersigned, do hereby certify to the best of our knowledge and belief that all applicable state agencies – including the Illinois Department of Natural Resources – governing the construction, modification, and/ or repair to dam structures on natural, detention, or retention ponds have been consulted with. Furthermore, said agencies have reviewed and approved the design, construction, and/ or repair of the proposed improvements.

By: _____ (SEAL)
Owner

By: _____ (SEAL)
Illinois Professional Engineer

Registration Number

Date

(O) *Sidewalk Connection Statement.*

The Owner and/or Builder/ Developer with consultation of a qualified professional engineer certifies that sidewalks with accessible ramps meeting the Americans with Disabilities Act (ADA) Design Standards were installed at street intersections when the streets were constructed. Adjoining sidewalks may be installed at the time the driveways are installed except, when 90% of the lots are developed within a block - or within a phase – whichever comes first, the remaining sidewalks on undeveloped lots will be installed by the Owner and/or Builder/ Developer within 120 days of the last occupancy permit being issued.

By: _____ (SEAL)
Owner

By: _____ (SEAL)
Builder/ Developer

§ 153.188 ADMINISTRATIVE REVIEW PROCEDURES.

- (A) (1) Within 7 business days from the date the final plat and all supporting documentation has been filed with the city, the Code Administrator shall notify the president of the school board of each public school district in which any of the subdivided land is located that the plat has been submitted for approval and is available for inspection.

- (2) The notice shall also give the date, time and location of the meeting at which it is anticipated that the plat will be considered by the City Council for approval or disapproval.
- (B) (1) Within 45 days from the date of submission of an application for final plat approval, or the filing of the last item of required supporting data, whichever is later, the Code Administrator shall review the final plat and supporting data, and shall advise the City Council in writing whether it substantially conforms to the approved preliminary plat.
- (2) A copy of the Code Administrator's advisory report shall be forwarded to the Planning Commission, who may prepare an addendum to the report if it so desires, and forward same to the City Council.

(Ord. 2009-21, § 18.5-4-33, passed 10-5-2009)

§ 153.189 ACTION BY THE CITY COUNCIL.

- (A) (1) Within 60 days from the date of submission of an application for final plat approval, or the filing of the last item of required supporting data, whichever date is later, the City Council shall either approve or disapprove the application by resolution unless the Council and the subdivider/developer mutually agree to extend this time limit.
- (2) Failure to act within the prescribed time limits shall be deemed approval.
- (B) The City Council shall not approve any final plat unless:
 - (1) The final plat substantially conforms to the approved preliminary plat;
 - (2) The final plat manifests substantial compliance with the Future Land Use Plan and with the design and improvements standards of this chapter;
 - (3) To the Council's knowledge and belief, the final plat complies with all pertinent requirements of state law; and
 - (4) Either of the following has been met:
 - (a) All required improvements have been completed, inspected, dedicated and accepted; or
 - (b) The subdivider/developer has deposited funds in escrow to guarantee the satisfactory completion and dedication of all required improvements.
- (C) If the City Council disapproves the final plat, its resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.
- (D) The City Clerk shall attach a certified copy of the Council's resolution of approval or disapproval to the final plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator and one copy shall be given to the subdivider/developer.

- (E) The City Clerk shall also return the original Mylar of the final plat to the subdivider/ developer, with appropriate signatures of city officials.
- (1) Within 60 days following approval by the city, the subdivider/developer shall secure all remaining required signatures and cause the final plat to be filed and recorded with the County Recorder of Deeds.
 - (2) The subdivider/developer shall thereafter provide the Building and Zoning Department with one print, one electronic copy and one Mylar reproducible of the recorded plat.

(Ord. 2009-21, § 18.5-4-34, passed 10-5-2009)

§ 153.190 CHANGES IN APPROVED FINAL PLATS.

Once a final plat is approved by the City Council, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Code Administrator. Major changes shall require the filing of a new final plat and complete review as provided for herein. An example of an allowable minor change is a lot line changing by a few feet with all affected lots still meeting City standards. Any change that affects the street layout, overall number of lots, or requires a variance is considered a major change.

(Ord. 2009-21, § 18.5-4-35, passed 10-5-2009)

§ 153.191 MAINTENANCE OF IMPROVEMENTS.

Subsequent to completion of the improvements within the development by the subdivider/developer, the City Engineer and Code Administrator shall make an inspection of the improvements to ascertain the acceptability of the structural condition, earth slopes and drainage structures, and that all other requirements of this chapter have been met.

- (A) If the inspection indicates no deficient items and, all "as-built" drawings have been filed with the Code Administrator, and the subdivider/developer has posted an appropriate maintenance bond, as hereinafter set forth, the City Council shall take formal action to dedicate the completed improvements for maintenance.
- (B)
 - (1) Should any improvement require correction or repair, the subdivider/ developer shall be notified, in writing, of each deficiency.
 - (2) No street(s) will be accepted in a subdivision until all streets comply with the requirements of this chapter to the satisfaction of the City Engineer and Code Administrator.
- (C) Should the subdivider/developer fail to properly correct any of the noted deficiencies, he or she shall be responsible for all maintenance, other than snow and ice control, until such time as the streets are completely acceptable to the city.

- (1) Under this situation, the subdivider/developer's maintenance responsibility shall be construed to include but not be limited to regular mowing of the parkways; periodic cleaning of debris from the pavement and gutters; and periodic cleaning of storm sewers and catch basins.
- (2) Should the subdivider/developer fail to discharge any of these responsibilities, he or she will be notified to rectify the situation by the Building and Zoning Department.

(Ord. 2009-21, § 18.5-4-36, passed 10-5-2009)

§ 153.192 DURATION OF GUARANTEE.

- (A) All improvements within a development shall be guaranteed by the developer to be in satisfactory condition and in compliance with this chapter for a period of 2 years from the date of acceptance by the city.
- (B)
 - (1) Prior to dedication and acceptance, the subdivider developer shall post a maintenance bond (or letter of credit) with the City Clerk in a form approved by the City Attorney.
 - (2) The bond shall be in an amount determined by the City Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of at least two years, generally 25% of the estimated construction costs.
- (C) If at any time during the guarantee period any improvements are found to be defective, they shall be repaired or replaced at the subdivider/developer's expense.
 - (1) If the subdivider/developer fails or refuses to pay the costs within 30 days after demand is made upon him or her by the Code Administrator, the city shall use the maintenance bond to make the necessary repairs/replacement.
 - (2) If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess.
- (D) At the end of the 2-year guarantee period, the subdivider/developer shall request a final inspection of all subdivision improvements, by sending written notice to the city at least 30 days prior to the end of the period.
 - (1) The City Engineer and Code Administrator shall verify to the best of his or her ability that each improvement complies with the provisions of this chapter.
 - (2) The subdivider/developer shall be notified in writing of any improvements that are found to be defective, and shall repair or replace the deficiencies at his or her expense.
 - (3) When all improvements pass the final inspection, the city shall issue a letter releasing the subdivider/developer from any further responsibility for the improvements.

- (4) Should the subdivider/developer fail to request a final inspection in writing at least 30 days prior to the end of the guarantee period, the guarantee period shall be extended until 30 days after such time as a request is received and the improvements are inspected and determined to be acceptable to the city.

§ 153.193 VARIATIONS.

Any subdivider/developer desiring a variation from the requirements of this chapter shall file a written application therefor with the Code Administrator at the same time that he or she files his or her preliminary plat.

- (A) The application shall fully explain the grounds for the variance request and specify the section(s) of this chapter that, if strictly applied, would cause great practical difficulties or hardship.
- (B) The Code Administrator shall prepare an advisory report on every application for variation and submit it, together with the completed application, to the Planning Commission.
- (C) Any variation proposed herein by the developer, which is in effect a variation of the provisions of the code of ordinances adopted by the city, shall only be allowed and granted in compliance with the procedures outlined in the code. Nothing contained herein shall be construed as to allow a variation of lot size, setbacks or any other regulation of [Chapter 154](#).

§ 153.194 REVIEW BY THE PLANNING COMMISSION.

- (A) The Planning Commission shall review the application for variation and the Code Administrator's comments, and submit its advisory report to the City Council, together with its recommendation on preliminary plat approval.
- (B) The Planning Commission's advisory report shall be responsive to all of the following variance standards:
 - (1) The proposed variation is consistent with the general purposes of this chapter;
 - (2) Strict application of the subdivision design and improvement requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience;
 - (3) The proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship;
 - (4) The plight of the applicant is due to peculiar circumstances not of his or her own making;
 - (5) The peculiar circumstances engendering the variation request are not applicable to other tracts and, therefore, that a variation would be a more appropriate remedy than an amendment; and

- (6) The variation, if granted, will not substantially impair implementation of the Comprehensive Plan, including the Future Land Use Plan.

§ 153.195 ACTION BY THE CITY COUNCIL.

- (A) At the same meeting at which they take action on the application for preliminary plat approval, the City Council shall decide by resolution whether to grant or deny the requested subdivision variation.
- (B) A copy of its decision, clearly stating its reasons therefor and the exact terms of any variation granted, shall be attached to both the preliminary and final plats.

AMENDMENTS TO CHAPTER

§ 153.210 AMENDMENTS.

Any party in interest, including the City Engineer or any member of the City Council or Planning Commission desiring an amendment to the text of this chapter shall file a written application therefore with the Code Administrator

- (A) The application shall fully explain the grounds for the requested amendment and specify the section(s) of this chapter that, if strictly applied, would cause great practical difficulties or hardship.
- (B) The Code Administrator shall prepare an advisory report on every application for amendment and submit it, together with the completed application, to the Planning Commission.

§ 153.211 PUBLIC HEARING, NOTICE.

- (A) Within 60 days of application for an amendment to the text of this chapter, the Planning Commission shall hold a public hearing.
- (B) Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment shall be given by publication in a newspaper of general circulation within the city, not more than 30 days, nor less than 15 days before the hearing date.
- (C) At the same time, a copy of the notice shall be sent by first class mail to the applicant.
- (D) At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.
- (E) The Planning Commission shall prepare an advisory report, responsive to the following standards:

- (1) The proposed amendment is consistent with the general purposes of this chapter;
 - (2) The peculiar circumstances engendering the amendment request are applicable to many tracts and, therefore, that a variation would not be a more appropriate remedy than an amendment; and
 - (3) The amendment, if granted, will not substantially impair implementation of the Comprehensive Plan, including the Official Map.
- (F) The advisory report shall be submitted to the City Council within 30 days following the conclusion of the public hearing.

§ 153.212 ACTION BY THE CITY COUNCIL.

At the next regularly scheduled meeting following receipt of the advisory report from the Planning Commission, the City Council shall act on the request for amendment.

- (A) Without another public hearing, the City Council may vote to either pass, reject the proposed amendment, may pass a modified version of the amendment, or may refer it back to the Planning Commission for further consideration.
- (B) If the Council votes to pass the amendment or a modified version thereof, it shall do so by ordinance at its next regularly scheduled meeting.

§ 153.999 PENALTY.

- (A) Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any provisions of this chapter, shall be guilty of a civil offense punishable by a fine only of not less than \$25, nor more than \$500, plus costs, for each offense.
- (B) Each day that a violation continues after notification is given thereof, shall be considered a separate offense.
- (C) Notification shall be by regular mail from the city to the last known mailing address of the violator.
- (D) Nothing contained in this section shall prevent the city from taking any other lawful action that may be necessary to secure compliance with this chapter.

DESIGN STANDARDS

§ 153.061 DESIGNING BLOCKS.

- (A) *Block width.* Wherever practicable, blocks shall be sufficiently wide to accommodate two tiers of lots having the minimum depth required by the applicable zoning district regulations. This requirement may be waived in blocks adjacent to local collector streets, railroads, or watercourses.
- (B) *Block length.* No block shall be longer than 1,400 feet, nor shorter than 500 feet; provided, however, that wherever practicable, blocks along collector streets shall not be less than 1,000 feet in length.
- (C) *Driveways.* Driveways shall be located on the lowest classification of street abutting the property. Driveways accessing onto arterial or collector streets are discouraged and to the greatest extent possible should be located on local residential streets, i.e., cul-de-sacs, loops and the like that intersect arterials. Driveway access directly onto collector streets is permitted only subject to the condition that adequate driveway turnaround space is allowed for front end entry onto the collector street. Exceptions to this design standard may be granted at the sole discretion of the City.
- (D) *Pedestrian Access Routes (PAR).* A pedestrian right of way, shall be required through blocks where necessary to provide pedestrian circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. A PAR will consist of a 10-foot-wide easement with a 5-foot-wide sidewalk and will be required when:
 - (1) A block is over 1,000 feet long.
 - (2) A cul-de-sac over 600 feet in length and paralleling an adjacent street should have a PAR between the two rights-of-way.
 - (3) A "barrier" is present between adjacent blocks. A barrier is a non-transversable feature such as a creek, utility easement, or railroad.
 - (4) The PAR requirement may be waived by the City Engineer if the natural terrain is too steep for the PAR to be made Americans with Disability Act (ADA) compliant or another obstruction exists that would create a hardship on the Owner/ Developer.

RECOMMENDATION NO. 2017 ~ 02PC

Of the Planning Commission of the City of Troy, Illinois Recommending an Application for Amending Chapter 153 Troy Subdivision Code of the Code of Ordinances

Whereas, the Planning Commission of the City of Troy has reviewed the provisions of the current text of Chapter 153 of the Code of Ordinances entitled "Troy Subdivision Code" and determined that the provisions contained therein require modification and updating to conform with current legal standards and operational practices; and

Whereas, the Planning Commission met on April 20, 2017 to consider an application for Amending certain provisions of the Chapter 153 Troy Subdivision Code of the Code of Ordinances. A copy of the application and certification by the City Clerk regarding publication of the notice of hearing are incorporated by reference; and

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

Whereas, the Planning Commission has considered the factors as described in Section 153 Amendments to Chapter of the Code of Ordinances of the City of Troy, Illinois; and

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

Burnett <u>Ab</u>	Hellrung <u>Y</u>	Lawrenz <u>Ab</u>	Total:
Delgado <u>Y</u>	Johnson <u>Y</u>	Nehrt <u>Y</u>	<u>6</u> Yeas
Dorsey <u>Ab</u>	Lasseigne <u>Y</u>	Reiter <u>Y</u>	<u>0</u> Nays

Now Therefore, be it Resolved by the Planning Commission as Follows, that the application for the following: The Code of Ordinances is amended by repealing certain provisions of Chapter 153 entitled "Troy Subdivision Code" and adapting the attached Code provisions as provided in Exhibit A

Is Recommended With the following stipulations:

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

Adopted this 20th day of April, 2017.

Attest [Signature] Secretary, Planning Commission

By [Signature] Chairman, Planning Commission

Building & Zoning Department