

**RECORDING
NOT REQUIRED**

RETURN TO:

KIM THOMAS
CLERK, CITY OF TROY
116 E. MARKET
TROY, IL 62294

**CITY OF TROY
ORDINANCE NO. 2026-24**

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
ON DATA CENTERS IN THE CITY OF TROY, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY, ILLINOIS
THIS 16TH DAY OF MARCH 2026**

ORDINANCE NO. 2026 -24

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
ON DATA CENTERS IN THE CITY OF TROY, ILLINOIS**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to it by law, and as such, the City of Troy, Illinois, being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, may only exercise such express power(s); and

WHEREAS, the Illinois General Assembly has specifically granted non-home rule municipalities broad power(s) and authority to "pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities." 65 ILCS 5/1-2-1; and

WHEREAS, the Illinois General Assembly has further specifically granted non-home rule municipalities broad power(s) and authority to prescribe and regulate the construction of all buildings within its corporate limits. 65 ILCS 5/11-30-4; and

WHEREAS, the City of Troy, Illinois, may accordingly exercise said power(s) and perform any function pertaining to its government and affairs for the protection of the health, safety, morals and welfare of its citizens; and

WHEREAS, on November 6, 2025, the Planning Commission for the City of Troy, Illinois, held a public hearing and recommended passage of AN ORDINANCE OF THE CITY OF TROY, ILLINOIS ESTABLISHING XV LAND USE, CHAPTER 154, SECTION 154.070: DATA CENTERS OF THE CODE OF ORDINANCES to the City Council for the City of Troy, Illinois; and

WHEREAS, in turn, on November 17, 2025, the City Council of the City of Troy, Illinois, passed and adopted AN ORDINANCE OF THE CITY OF TROY, ILLINOIS ESTABLISHING XV LAND USE, CHAPTER 154, SECTION 154.070: DATA CENTERS OF THE CODE OF ORDINANCES; and

WHEREAS, pursuant to the Code of Ordinances of the City of Troy, Illinois, the Planning Commission is responsible for hearing all zoning, planning, permitting and City economic development matters, and further, has lawful jurisdiction and authority over all such annexing, permitting, planning and zoning matters; and

WHEREAS, since the passage of AN ORDINANCE OF THE CITY OF TROY, ILLINOIS ESTABLISHING XV LAND USE, CHAPTER 154, SECTION 154.070: DATA CENTERS OF THE CODE OF ORDINANCES, the City of Troy, Illinois, has held a series of public meetings and workshops, and taken public comment regarding said Ordinance and its contents; and

WHEREAS, as stated above, the Planning Commission is duly authorized to establish regulations, requirements and restrictions on the development of certain properties within the City of Troy, Illinois, for the limited and specific purpose(s) of determining whether and to what extent additional regulations, requirements and/or restrictions may be necessary to promote and protect the public health, safety, morals and welfare of the City of Troy, Illinois, and its residents; and

WHEREAS, in response to said public meetings and workshops, collectively, the Planning Commission and City Council for the City of Troy, Illinois, have determined that new, additional and/or further zoning and development regulations, requirements and/or restrictions need to be considered and established to AN ORDINANCE OF THE CITY OF TROY, ILLINOIS ESTABLISHING XV LAND USE, CHAPTER 154, SECTION 154.070: DATA CENTERS OF THE CODE OF ORDINANCES, and, they wish to establish a temporary moratorium on data centers to preserve the status quo while the City further studies, analyzes, and potentially adopts new, additional and/or further zoning and development regulations, requirements and/or restrictions; and

WHEREAS, the City of Troy, Illinois, has determined that it is necessary, and in the City's best interests, to impose a temporary moratorium on the receipt and processing of applications for the approval of, and, the issuance of any type of permit or approval, for data centers in the City of Troy, Illinois; and

WHEREAS, to date, no application for a permit has been filed with the Planning Commission under CHAPTER 154, SECTION 154.070: DATA CENTERS OF THE CODE OF ORDINANCES, and accordingly, no party is prejudiced by the proposed action of the Planning Commission and City Council for the City of Troy, Illinois, discussed herein; and

WHEREAS, a public hearing was held by the Planning Commission on March 12, 2026, pursuant to public notice in this regard as so required by the state law and the Code of Ordinances for the City of Troy, Illinois; and

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

1. The recitals are true and accurate and are hereby incorporated by reference.
2. Findings of Fact & Recommendation: The corporate authorities of the City of Troy, Illinois, find that the Planning Commission conducted a public hearing on the proposed temporary moratorium on March 12, 2026. The City Council of the City of Troy, Illinois, hereby adopts the recommendation(s) of the Planning Commission in this regard.
3. Temporary Moratorium Established. Pursuant to the Illinois law cited herein, as well as Section 154.144 of the Code of Ordinances, a temporary moratorium ("Temporary Moratorium") is hereby established on the receipt of applications for the processing and approval of, and the issuance of any type of permit, including but not limited to re-zoning and/or special use permits, under CHAPTER 154, SECTION 154.070: DATA CENTERS OF THE CODE OF ORDINANCES; and
4. Duration. The Temporary Moratorium established in this Ordinance shall be, and is hereby established for six (6) months from this Ordinance's Effective Date; and
5. Study & Recommendations. That during the time of the Temporary Moratorium, the Planning Commission and City Council for the City of Troy, Illinois, shall study the impact of data centers, investigate and learn how other municipalities are handling data center development, and present findings and recommendations for further discussion and consideration.

6. 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.
7. This Ordinance shall be effective upon its passage, signing and publication as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 16th day of March, 2026.

Aldermen Vote:

Dan Dawson	<u>✓</u>	Sam Italiano	<u>✓</u>	Ayes:	<u>16</u>
Tim Flint	<u>ABSENT</u>	Debbie Knoll	<u>✓</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>✓</u>	Heather Stirling	<u>ABSENT</u>	Absent:	<u>2</u>
Nathan Henderson	<u>✓</u>	Troy Turner	<u>✓</u>	Abstain:	<u>0</u>



APPROVED:

David Nonn
 DAVID NONN, Mayor
 City of Troy, Illinois

ATTEST:

Kimberly Thomas
 KIMBERLY THOMAS, Clerk
 City of Troy, Illinois

RECOMMENDATION NO. 2026-4PC

**OF THE PLANNING COMMISSION OF THE CITY OF TROY, ILLINOIS
RECOMMENDING AN ORDINANCE ESTABLISHING A TEMPORARY
MORATORIUM ON DATA CENTERS IN THE CITY OF TROY, ILLINOIS**

WHEREAS, on November 6, 2025, the Planning Commission of the City of Troy, Illinois, held a duly noticed public hearing and recommended passage of an ordinance establishing Title XV (Land Usage), Chapter 154, Section 154.070: Data Centers of the Code of Ordinances of the City of Troy; and

WHEREAS, on November 17, 2025, the City Council of the City of Troy, Illinois, duly passed and adopted said ordinance establishing regulations governing Data Centers; and

WHEREAS, since the adoption of Section 154.070, the City has conducted public meetings and workshops and has received public comment regarding the regulation of Data Centers within the City; and

WHEREAS, as a result of such public input and further review, the Planning Commission and City Council have determined that additional study, analysis, and potential amendments to the existing zoning and development regulations applicable to Data Centers may be necessary to promote and protect the public health, safety, and welfare; and

WHEREAS, in order to preserve the status quo while such study and review are conducted, it is appropriate to recommend the establishment of a temporary moratorium on the receipt, processing, and approval of applications for permits or other development approvals for Data Centers within the City; and

WHEREAS, no application for a permit or approval under Section 154.070: Data Centers has been filed as of the date of this Recommendation, and therefore no party will be materially prejudiced by the temporary moratorium proposed herein; and

WHEREAS, a public hearing was held by the Planning Commission on March 12, 2026, pursuant to public notice as required by Illinois law and the Code of Ordinances of the City of Troy; and

WHEREAS, the Planning Commission finds that recommending a temporary moratorium for a period of six (6) months will allow sufficient time to study the impacts of Data Centers, evaluate how other municipalities regulate such uses, and formulate findings and recommendations for consideration by the City Council; and

WHEREAS, the Planning Commission further finds that recommending the establishment of such a temporary moratorium is in the best interest of the public health, safety, and welfare of the City of Troy and its residents;

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING COMMISSION OF THE CITY OF TROY, ILLINOIS, that the City Council adopt an ordinance establishing a temporary moratorium for a period of six (6) months on the receipt, processing, and approval of applications for permits or other development approvals for Data Centers regulated under Section 154.070 of the Troy City Code and vote recorded below:

Bogue	<u>ABSENT</u>	Lybarger	<u>Y</u>	Patton	<u>Y</u>	Yeas	<u>5</u>
Compton	<u>ABSENT</u>	McBride	<u>Y</u>	Reiter	<u>ABSENT</u>	Nays	<u> </u>
Curtis	<u>Y</u>	Niermann	<u>Y</u>	Stone	<u>ABSTAIN</u>	Abstains	<u>1</u>

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING COMMISSION OF THE CITY OF TROY, ILLINOIS, that the City Council adopt an Ordinance establishing a temporary moratorium on Data Centers within the City of Troy, Illinois.

Is Not Recommended

Is Recommended -with the following stipulations:

Recommended for six months.

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

DATED this 12th day of March, 2026.

By: 
Chairman, Planning Commission

Attest: 
Secretary, Planning Commission