

**RECORDING
NOT REQUIRED**

**RETURN TO:
CITY CLERK
116 E. MARKET STREET
TROY, IL 62294**

**CITY OF TROY
ORDINANCE 2026-27**

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE,
CHAPTER 154 OF THE CITY CODE OF ORDINANCES
REGARDING THE POWERS AND DUTIES OF THE ZONING
HEARING OFFICER AND PLANNING COMMISSION**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF TROY,
ILLINOIS ON THIS 20TH DAY OF APRIL 2026**

ORDINANCE NO. 2026-27

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154 OF THE CITY CODE OF ORDINANCES REGARDING THE POWERS AND DUTIES OF THE ZONING HEARING OFFICER AND PLANNING COMMISSION

WHEREAS, the City of Troy, Illinois has adopted Title XV: Land Usage, Chapter 154: Zoning Ordinance regulating land use and development within the corporate limits of the City; and

WHEREAS, the City Council finds it necessary and in the best interest of the public health, safety, and welfare to clarify and formalize the powers and duties of the Zoning Hearing Officer and Planning Commission; and

WHEREAS, the proposed amendment is intended to establish consistent procedures for appeals and variances, provide clear administrative processes, and ensure compliance with applicable provisions of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.); and

WHEREAS, the Planning Commission has complied with the provisions of Section 154.143 Amendments of the Zoning Ordinance by holding a public hearing on April 9, 2026, to consider amending the Zoning Ordinance; and

WHEREAS, as a result of said hearing, the Planning Commission issued Recommendation PCRec2026-08 to the City Council that they enact said amendments to the Zoning Ordinance; and

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

1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.
2. The Troy Municipal Code, Title XV: Land Usage, Chapter 154, Section 156 of the City Code of Ordinances shall be amended to read in its entirety, as follows:

§ 154.156 POWERS AND DUTIES.

The Hearing Officer shall have all the powers and duties prescribed by law and by this subchapter, including the following:

(A) *Appeals*. Upon an appeal from a decision by any administrative official, including but not limited to the Building Official, to decide any question involving the interpretation of any provision or term of the Zoning Code, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto, or other claimed error in the decision or determination made by an administrative official in the enforcement of the Zoning Code; provided that such decision shall be bound by and consistent with the language of the ordinance or regulation at issue;

(B) *Bulk and Area Variances*. The Hearing Officer may vary the application of the requirements of the Zoning Code, except for use variances, as provided in this subchapter. The corporate authorities may reserve, by ordinance, any class of variance for approval only by the corporate authorities. In such cases where the City Council has reserved decision making authority, the Hearing Officer shall still conduct a hearing and provide notice in compliance with ILCS Ch. 65, Act 5, § 11-13-6.

(C) *Other authority*. To hear and decide all other matters referred to it by the City Council or upon which it is required to pass under applicable ordinance.

1. Amendment to § 33.67 – Powers and Duties of the Planning Commission Section § 33.67 of the Troy City Code is hereby amended to read as follows:

§ 33.67 POWERS AND DUTIES.

The Planning Commission shall have the following powers and duties:

(A) To prepare and recommend to the City Council a Comprehensive Plan for the present and future development or redevelopment of the city;

(B) To recommend to the City Council reasonable requirements for subdivision and re-subdivision of unimproved land and, subject to redevelopment, with respect to parks, playgrounds, school grounds and other public improvements;

(C) To suggest to the City Council lands suitable for annexation to the city and the recommended zoning classification for the land upon annexation;

(D) To recommend changes, from time to time, in the official Comprehensive Plan;

(E) To recommend changes in the zoning ordinance and exercise the powers conferred by ILCS Ch. 65, Act 5, §§ 11-13-1 through 11-13-20;

(F) To prepare and recommend to the city, from time to time, plans for specific improvements and pursuant to the official Comprehensive Plan;

(G) To give aid to the city officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and generally, to promote the realization of the Comprehensive Plan;

(H) To cooperate with county and regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area; and

(I) Use variances. To hold public hearings for applications for use variances and to forward a written report containing findings of fact and a separate conclusion recommendation thereon to the City Council, consistent with ILCS Ch. 65, Act 5, § 11-13-14.1.C(1), which the City Council may by ordinance without further public hearing adopt any proposed use variance, or the City Council may refer it back to the Hearing Officer for further consideration or deny the use variance request as a final action. For purposes of this section, *USE VARIANCES* shall be any variation that authorizes any use or classification of use to continue or commence in a zoning district in which that use is not a permitted use by right. Any proposed use variance which fails to receive the approval of the Hearing Officer shall not be approved except by the favorable vote of two-thirds of all Aldermen. No variance shall be granted that shall authorize a use that may be granted by special use or planned use procedures. Use variances are not favored and shall be granted only when failure to authorize the use denies all economically viable use of the property or similar extreme hardship is demonstrated by the evidence presented.

(J) To exercise such other powers granted to planning commissions by state law.

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

2. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions.

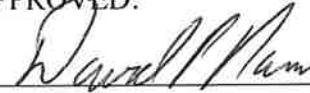
3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

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 20th day of April 2026.

Aldermen Vote:

Dan Dawson	<u>✓</u>	Sam Italiano	<u>✓</u>	Ayes:	<u>7</u>
Tim Flint	<u>✓</u>	Debbie Knoll	<u>ABSENT</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>✓</u>	Heather Stirling	<u>✓</u>	Absent:	<u>1</u>
Nathan Henderson	<u>✓</u>	Troy Turner	<u>✓</u>	Abstain:	<u>0</u>

APPROVED:



DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:



KIMBERLY THOMAS, Clerk
City of Troy, Illinois



RECOMMENDATION NO. 2026-08PC

AMENDING TITLE XV: LAND USAGE, CHAPTER 154 OF THE TROY CITY CODE REGARDING THE POWERS AND DUTIES OF THE ZONING HEARING OFFICER AND PLANNING COMMISSION

WHEREAS, the City of Troy Planning Commission has reviewed the proposed amendments to Title XV: Land Usage, Chapter 154 of the Troy City Code concerning the powers and duties of the Zoning Hearing Officer and Planning Commission; and

WHEREAS, the purpose of said amendments is to clarify administrative authority, establish consistent procedures for appeals and variances, and ensure alignment with applicable provisions of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing in accordance with the requirements of the Zoning Ordinance and state law to consider the proposed text amendments; and

WHEREAS, the Commission finds that the proposed amendments reinforce established governance structure, clearly delineate responsibilities between the Zoning Hearing Officer and Planning Commission, and support efficient and legally compliant administration of zoning matters; and

WHEREAS, the Commission further finds that the addition of formal procedures for use variances, including findings of fact and recommendation requirements, reflects long-standing best practices and provides a defensible framework for decision-making;

WHEREAS, the Planning Commission has reviewed the amendment for compliance with the provisions of Chapter 154 Zoning Code and the City of Troy, Illinois Comprehensive Plan and voted as recorded below:

Bogue	<u>Y</u>	Lybarger	<u>ABSENT</u>	Patton	<u>ABSENT</u>	Yeas	<u>5</u>
Compton	<u>Y</u>	McBride	<u>Y</u>	Reiter	<u>ABSENT</u>	Nays	<u>0</u>
Curtis	<u>Y</u>	Niermann	<u>Y</u>	Stone	<u>ABSENT</u>	Abstains	<u>0</u>

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the amendment to Title XV: Land Usage, Chapter 154 of the Troy City Code concerning the powers and duties of the Zoning Hearing Officer and Planning Commission; and

Is Not Recommended Is Recommended -with the following stipulations:

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

DATED this 9th day of April, 2026.

By: 
Chairman, Planning Commission

Attest: 
Secretary, Planning Commission