

CITY OF CHARLESTON

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A TEMPORARY
MORATORIUM ON DATA CENTERS, BATTERY ENERGY STORAGE SYSTEMS,
AND RELATED BATTERY USES**

ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF CHARLESTON, COLES COUNTY, ILLINOIS
THIS ____ DAY OF _____, 2026

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE MAYOR
AND CITY COUNCIL OF THE CITY OF CHARLESTON, COLES COUNTY, ILLINOIS
AS PROVIDED BY LAW THIS ____ DAY OF _____, 2026

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A TEMPORARY
MORATORIUM ON DATA CENTERS, BATTERY ENERGY STORAGE SYSTEMS,
AND RELATED BATTERY USES**

WHEREAS, the City of Charleston (“City”) is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City has a Unified Development Code which comprehensively divides the City into districts and classifies, regulates and restricts the location of land uses by reference to such districts; and

WHEREAS, the City has determined that data centers, battery energy storage systems, and related battery uses have unique characteristics and impacts that warrant consideration of appropriate regulations governing their location, development, construction, and operation within the City’s jurisdiction; and

WHEREAS, the City desires to carefully review and consider the potential impacts data centers, battery energy storage systems, and related battery uses may have on the public health, safety, comfort, and general welfare of the community; and

WHEREAS, data centers may have significant impacts relating to land use, electrical infrastructure and capacity, water resources, wastewater infrastructure, stormwater management, transportation infrastructure, noise, backup power generation, environmental resources, emergency services, and other public facilities and services; and

WHEREAS, battery energy storage systems and related battery uses may involve the storage, charging, recycling, warehousing, manufacturing, or other handling of batteries and may have potential impacts relating to public safety, fire protection, emergency response, environmental resources, stormwater management, transportation infrastructure, electrical infrastructure and capacity, noise, and other public facilities and services; and

WHEREAS, the City’s Unified Development Code does not currently contain specific regulations addressing the location, development, and operation of data centers, battery energy storage systems, and related battery uses; and

WHEREAS, the City desires to research, consider, and prepare appropriate amendments to its Unified Development Code governing the location, development, and operation of data centers, battery energy storage systems, and related battery uses before considering applications for such uses; and

WHEREAS, allowing applications for or development of data centers, battery energy storage systems, and related battery uses to proceed before the City completes its evaluation and consideration of appropriate regulations may result in development occurring before the City has

had an adequate opportunity to establish appropriate regulations and standards governing such uses; and

WHEREAS, to preserve the status quo while the City conducts its evaluation process, the City finds that a temporary moratorium on data centers, battery energy storage systems, and related battery uses is necessary and appropriate; and

WHEREAS, the City Council referred this matter to the Board of Zoning Appeals and Planning to consider a moratorium on data centers, battery energy storage systems, and related battery uses and to allow the City to research, consider, and prepare proposed amendments to the Unified Development Code governing the location, development, and operations of data centers, battery energy storage systems, and related battery uses; and

WHEREAS, following due publication of notice on September 8, 2026, in the Journal Gazette/Times Courtier, a public hearing concerning the proposed moratorium was commenced by the Board of Zoning Appeals and Planning on September 24, 2026; and

WHEREAS, following deliberation on the evidence and testimony presented during the public hearing, the Board of Zoning Appeals and Planning considered the proposed moratorium and recommended approval by vote of 5-0 of an ordinance establishing a temporary moratorium on data centers.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, COLES COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: RECITALS. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

SECTION TWO: MORATORIUM.

A. From the effective date of this Ordinance until 5:00 p.m. CST on October 6, 2027, or until new ordinances or amendments governing the location, development, construction, or operation of data centers, battery energy storage systems, and related battery uses are adopted by the City, whichever occurs first, no new application or request for approval relating to the establishment, construction, expansion, or operation of a Data Center, Battery Energy Storage Systems, and related battery uses shall be accepted, processed, considered, or approved by City staff, the Board of Zoning Appeals and Planning, or any other City department, board, commission, or body.

The above moratorium shall include, without limitation, applications or requests for zoning approvals, conditional use permits, variances, site plan approvals, subdivision approvals, building permits, or other zoning, development, or land use approvals when such application or request would establish, facilitate, or authorize a Data Center, Battery Energy Storage Systems, or related battery uses.

B. For purposes of this Ordinance, "**Data Center**" means:

A facility comprised of networked computers, storage systems, and computing infrastructure which organizations use to assemble, process, store, and disseminate data. Cryptocurrency centers, which use networked computers, storage systems, and computing infrastructure to manage the flow of digital or virtual currencies, shall be included in the definition.

For purposes of this Ordinance, “**Battery Use**” means:

A use that enables battery manufacturing, charging, recycling, warehousing, storage, and related uses. This may also include uses that derive energy from renewable sources, such as wind and solar power, to be collected, stored, and then released for later use to an electric grid, power plant, or private user.

C. The proposed moratorium would allow for a specific exemption for electric energy storage systems serving one- or two-family dwellings.

Exemption for Residential Systems. *This moratorium shall not apply to electrical energy storage systems (ESS) installed at and serving a one- or two-family dwelling, including a battery energy storage system paired with a residential photovoltaic system, provided that the system complies with all applicable building, electrical, fire, and other codes and permitting requirements.*

D. The moratorium established by this Section shall be in effect during the time period identified in Section 2.A above unless, prior to moratorium’s expiration, the City Council, in its discretion, terminates or extends such moratorium by ordinance duly adopted.

SECTION THREE. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION FOUR. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE. This Ordinance shall be in full force and effect upon passage, approval and publication in pamphlet form as provided by law.

APPROVED and ADOPTED by the Mayor and City Council of the City of Charleston this _____ day of _____, 2026 pursuant to roll call vote as follows:

INTRODUCED this _____ day of _____, 2026.

PASSED this _____ day of _____, 2026.

APPROVED this _____ day of _____, 2026.

	Aye	Nay	Abstain	Absent
Mayor:				
Brandon Combs				
City Council:				
Paul Brown				
Jeff Lahr				
Darlene Greathouse				
Dennis Malak				

Mayor

ATTEST:

City Clerk