

BEFORE THE BOARD OF ZONING APPEALS AND PLANNING
OF THE CITY OF CHARLESTON, COLES COUNTY, ILLINOIS

FINDING OF FACT

WITH RESPECT TO THE PETITION OF THE CITY OF CHARLESTON FOR A TEXT AMENDMENT TO
THE CITY OF CHARLESTON UNIFIED DEVELOPMENT CODE CONCERNING A TEMPORARY
MORATORIUM ON DATA CENTERS, BATTERY ENERGY STORAGE SYSTEMS, AND RELATED
BATTERY USES.

THE SUBJECT PETITION having been called for hearing this 24th day of September, 2026; proper notice and publication having been made. Proof of said publication of a public notice more than fifteen (15) days prior to this hearing date is on file. The City of Charleston is the petitioner. Evidence is presented, under oath, and the Charleston Board of Zoning Appeals and Planning being fully advised finds as follows:

1. The Charleston Unified Development Code was adopted by the City of Charleston on March 18, 2003, Ordinance Number 03-O-9.
2. That the City may, from time to time, by petition, amend, supplement, or change, by ordinance, the development regulations in the Unified Development Code to better provide for the public health, safety and welfare of the City.
3. Charleston Community Development Director, Abigail Youngblood, is the representative for the petitioner. Mrs. Youngblood testified on behalf of the petition requesting consideration of a temporary moratorium on data centers, battery energy storage systems, and related battery uses. The petitioner testified as follows:

- a) The City is evaluating the potential impacts of data centers, battery energy storage systems, and related battery uses and is considering whether additional regulations and development standards are necessary to appropriately regulate such uses within the City and the City's one-and-one-half-mile extraterritorial zoning jurisdiction.
- b) The City's Unified Development Code does not currently contain specific regulations addressing the location, development, construction, and operation of data centers, battery energy storage systems, and related battery uses.
- c) Data centers and battery energy storage systems have unique characteristics and potential impacts that warrant additional consideration as part of the City's land use planning process.
- d) Data centers may have potential 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.
- e) 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, electrical infrastructure

and capacity, environmental resources, stormwater management, transportation infrastructure, noise, and other public facilities and services.

- f) The City desires to consult with stakeholders, City elected officials, staff, legal counsel, fire and emergency service providers, utility providers, and other appropriate parties to evaluate data centers, battery energy storage systems, and related battery uses and determine appropriate regulations and development standards.
- g) The City desires to research, evaluate, and consider appropriate regulations governing the location, development, construction, and operation of data centers, battery energy storage systems, and related battery uses before applications for such uses are accepted, processed, considered, or approved.
- h) The City is requesting a temporary moratorium to preserve the status quo while the City conducts its evaluation and considers potential amendments to the Unified Development Code governing the location, development, construction, and operation of data centers, battery energy storage systems, and related battery uses.
- i) The proposed moratorium is intended to apply to new applications or requests for approval relating to the establishment, construction, expansion, or operation of a data center, battery energy storage system, or related battery use during the temporary moratorium period.

- 4. The petitioner further testified that the proposed moratorium is intended as a temporary planning measure to allow the City adequate time to study and evaluate data centers, battery energy storage systems, and related battery uses and to consider appropriate amendments to the Unified Development Code.
- 5. The petitioner testified that the proposed moratorium would not change the zoning classification of any property and would not permanently prohibit data centers, battery energy storage systems, or related battery uses within the City or the City's one-and-one-half-mile extraterritorial zoning jurisdiction.
- 6. The petitioner testified that the proposed moratorium would preserve the status quo while the City evaluates appropriate regulations and development standards and would prevent new applications or requests for approval from proceeding before the City has had an adequate opportunity to complete its evaluation.
- 5. The following Exhibits were entered into the record by reference:
 - 2020 Charleston Comprehensive Plan
 - 2019 Official Zoning Map
 - The City Code/Unified Development Code
 - Proposed Ordinance titled “An Ordinance Establishing a Temporary Moratorium on Data Centers, Battery Energy Storage Systems, and Related Battery Uses.”
- 6. The Petitioner’s representative presented the proposed ordinance titled “An Ordinance Establishing a Temporary Moratorium on Data Centers, Battery Energy Storage Systems, and Related Battery Uses” and offered general discussion of the proposed moratorium to the Board of Zoning Appeals and Planning. The discussion included, but was not limited to, the following findings of fact concerning the relationship of the proposed moratorium to the City's general planning efforts. The following suggested findings of fact were introduced into the record:

The proposed moratorium is consistent with the City's responsibility to promote orderly and appropriate land use planning and to ensure that development regulations adequately address emerging uses and their potential impacts.

There is a community need and benefit in allowing the City adequate time to study and evaluate data centers, battery energy storage systems, and related battery uses before applications for such uses are considered.

Data centers may present unique considerations 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.

Battery energy storage systems and related battery uses may involve the storage, charging, recycling, warehousing, manufacturing, or other handling of batteries and may present unique considerations relating to public safety, fire protection, emergency response, electrical infrastructure and capacity, environmental resources, stormwater management, transportation infrastructure, noise, and other public facilities and services.

The proposed moratorium will allow the City to evaluate the compatibility of data centers, battery energy storage systems, and related battery uses with existing and planned development and determine appropriate standards for such uses.

The proposed moratorium will allow the City to evaluate the adequacy and capacity of public and community facilities, including electrical infrastructure, water and wastewater infrastructure, roads, stormwater infrastructure, fire protection, emergency response, and other services, before establishing regulations governing future data centers, battery energy storage systems, and related battery uses.

The proposed moratorium will allow the City to evaluate potential environmental, public safety, and community impacts associated with data centers, battery energy storage systems, and related battery uses, including stormwater runoff, water quality, fire and hazardous-material concerns, noise, water consumption, backup power generation, and other potential impacts, and determine appropriate regulations and mitigation measures.

The proposed moratorium will provide the City with time to consult with appropriate stakeholders, including fire and emergency service providers, utility providers, City staff, elected officials, legal counsel, and other interested parties.

The proposed moratorium is intended to preserve the status quo while the City evaluates data centers, battery energy storage systems, and related battery uses and considers appropriate amendments to the Unified Development Code.

The proposed moratorium is temporary in nature and is intended to remain in effect only for the period established by the ordinance, unless earlier terminated or extended by ordinance duly adopted by the City Council.

The proposed moratorium does not apply to electrical energy storage systems 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.

The residential exemption is intended to distinguish ordinary residential energy storage systems serving one- and two-family dwellings from larger-scale battery energy storage systems and related battery uses that are the subject of the City's evaluation.

A data center would not be subject to the moratorium solely because it utilizes, includes, or is served by batteries or other energy storage equipment. The moratorium applies based upon the use proposed and the definitions established by the ordinance.

For purposes of the proposed moratorium, a **“Data Center”** is defined as:

“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 the proposed moratorium, a **“Battery Use”** is defined as:

“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.”

7. There were no public comments to the petition.

WHEREAS, the Charleston Board of Zoning Appeals and Planning hereby adopts the Petitioner’s aforementioned findings of fact as their own and incorporate such findings as though fully recited herein; and

WHEREAS, based upon the aforementioned findings, the Charleston Board of Zoning Appeals and Planning recommends to the Charleston City Council that the City of Charleston adopt an ordinance establishing a temporary moratorium on data centers, battery energy storage systems and related battery uses within the City of Charleston and the City’s one-and-one-half mile extraterritorial zoning jurisdiction.

The proposed moratorium would temporarily prohibit the acceptance, processing, consideration, or approval of new applications or requests for zoning or land use approvals relating to the establishment, construction, expansion, or operation of a Data Center, Battery Energy Storage System, or related Battery Use during the moratorium period, subject to the residential exemption provided in the proposed ordinance.

The proposed moratorium is recommended for approval. The vote being _____ to _____ in favor of the petition.

DATED this _____ day of _____, 2026.

DATED this _____ day of _____, 2026.

Chairman

ATTEST:

Secretary