

**TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
AMENDING CHAPTER 17.04; AMENDING SECTION 17.10.020; ADOPTING
SECTION 17.10.030; AMENDING SECTION 17.28.020; ADOPTING SECTION
17.28.030; ADOPTING SECTION 17.30.030; ADOPTING CHAPTER 17.35 – BATTERY
ENERGY STORAGE SYSTEMS; AND, ADOPTING CHAPTER 17.39 – DATA
CENTERS**

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statues 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

WHEREAS, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

WHEREAS, it is desirable to amend Chapters 17.04 and 17.35, and 17.39 and Sections 17.10.020; 17.10.030; 17.28.020; 17.28.030; and, 17.30.030 of the Sangamon County Zoning Ordinance to include the regulations related to Battery Energy Storage Systems and Data Centers; and

WHEREAS, the Zoning and Land Use Committee of the Sangamon County Board has reviewed the text amendment proposed in Exhibits A, B, and C, and recommends approval; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **June 18, 2025** in order to seek public comment on the draft revision of the Zoning Ordinance; and

WHEREAS, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendment to the Sangamon County Zoning Ordinance as Exhibit A, B, and C attached hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Sangamon County, Illinois, in session assembled this 8th day of **July, 2025** that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A, B, and C is hereby approved.

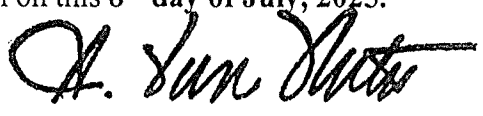
FILED

JUN 26 2025

Don J. Hayes
Sangamon County Clerk

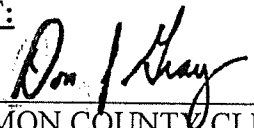
4.2

Signed and passed by the Sangamon County Board in session on this 8th day of July, 2025.



COUNTY BOARD CHAIRMAN

ATTEST:



SANGAMON COUNTY CLERK

EXHIBIT A

Chapter 17.04 – DEFINITIONS

Battery Energy Storage System.

“Battery Energy Storage System” or “BESS” means a system that stores energy from different sources using rechargeable batteries for later use. BESSs are often combined with renewable energy sources like solar and wind to accumulate energy during off-peak hours and release it when needed during peak demand or power outages.

Data Center.

“Data Center” means a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without actually being part of the physical network. A Data Center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A Data Center may include, but shall not be limited to, accessory uses that include offices for Data Center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Accessory uses shall not include retail sales, telephone call centers, or customer service operations. Typical uses include data processing centers and server farms.

Data Center Project Area.

“Data Center Project Area” means the entire parcel or parcels of land on which a Data Center will be constructed and operated.

Chapter 17.10 – A AGRICULTURAL DISTRICT

17.10.020 - Conditional permitted uses.

Conditional permitted uses in the A district are:

Adult-use cannabis craft growers

Adult-use cannabis cultivation centers

Adult-use cannabis transporting organizations

Agricultural chemical sales

Airports

Antique stores

Archery, pistol, rifle, and shotgun ranges

Auction and wholesale establishments—restricted to sales of livestock, poultry, fur pelt, crops, plants and other similar agriculture produce

44

- Bait shops
- Banquet hall
- Battery Energy Storage Systems (see Chapter 17.35 for additional regulations)
- Bed and breakfasts
- Biodiesel plants
- Camping and tenting parks
- Cemeteries
- Commercial Solar Energy Systems
- Compost facilities, general
- Compost facilities, landscape waste
- Crematories
- Data Centers (see Chapter 17.39 for additional regulations)
- Disposal areas, in accord with other applicable county regulations
- Dog kennels
- Ethanol Plants
- Fairgrounds
- Farm Machinery Sales
- Feed sales
- Fertilizer sales and service installation facilities
- Field tile installation and facilities
- Grain elevators
- Greenhouses
- Heliports
- Hunting, fishing and game preserves
- Landscaping companies
- Lighted golf courses and driving ranges
- Livestock buying stations
- Manufactured home parks
- Manufactured home sales incidental to operation of manufactured home parks
- Mausoleums
- Mining
- Mushroom barns
- Nurseries
- Picnic grounds
- Private outdoor recreation centers
- Public parks
- Railroad stations
- Restricted landing areas

Riding stables
 Sawmills and lumberyards
 Seed houses
 Sewage treatment plants
 Slaughterhouses
 Veterinary hospitals

17.10.030 – Siting Approval Permits.

Siting Approval Permits in the A district are:
Commercial Solar Energy Conversion Facilities
Commercial Wind Energy Conversion Systems

Chapter 17.28 – I-1 RESTRICTED INDUSTRIAL DISTRICT

17.28.020 - Conditional permitted uses.

Conditional permitted uses in the I-1 district are:

Adult-use cannabis craft growers
 Adult-use cannabis cultivation centers
 Adult-use cannabis dispensing organizations
 Adult-use cannabis infuser organizations
 Adult-use cannabis processing organizations
 Adult-use cannabis transporting organizations
 Airports, private and commercial including heliports and other aircraft land fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary buildings

Battery Energy Storage Systems (see Chapter 17.35 for additional regulations)

Compost facilities, general

Compost facilities, landscape waste

Concrete batch plants

Data Centers (see Chapter 17.39 for additional regulations)

Electric generating stations

Garages for storage, repair and servicing of motor vehicles including body shops and spray painting

17.28.030 – Siting Approval Permits.

Siting Approval Permits in the I-1 district are:
Commercial Solar Energy Conversion Facilities
Commercial Wind Energy Conversion Systems

Chapter 17.30 – I-2 GENERAL INDUSTRIAL DISTRICT

17.30.030 – Siting Approval Permits.

Siting Approval Permits in the I-2 district are:

Commercial Solar Energy Conversion Facilities

Commercial Wind Energy Conversion Systems

EXHIBIT B

CHAPTER 17.35 – BATTERY ENERGY STORAGE SYSTEMS

SECTIONS:

- 17.35.010 – Purpose and Intent.
- 17.35.020 – Special Requirements.
- 17.35.030 – Certification.
- 17.35.040 – Petition.
- 17.35.050 – Certificate of Compliance.
- 17.35.060 – Certificate of Occupancy.
- 17.35.070 – Decommissioning Plan.

17.35.010 – Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and location of a Battery Energy Storage System (BESS). The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of a Battery Energy Storage System (BESS).

17.35.020 – Special Requirements.

BESS are subject to the following requirements:

- A. Setbacks:
 - 1. Perimeter Setback: The front, side, and rear yard setbacks shall be a minimum of one hundred fifty (150) feet from the property lines or right-of-way which form the outside perimeter of a BESS Project Area.
 - 2. Residential Structure Setback: All components, except the interconnection point, installed as part of the BESS shall be setback at least five hundred (500) feet from the BESS project property line to a residential structure not located on the subject property. However, the developer of the BESS can obtain and record with the Sangamon County Recorder a written, signed, and notarized statement from the owner of the property containing said structure waiving this setback. In that case, the minimum setback from said structure shall be reduced to two hundred (200) feet.
- B. Fencing.
 - 1. A fence of at least seven (7) feet in height shall enclose and secure the BESS and comply with Chapter 17.44.
 - 2. A Knox Box shall be installed at all gate entrances along with emergency contact information for the project operator.

- C. Ground Cover, Screening, and Buffer Areas:
 - 1. Areas within ten (10) feet on each side of the BESS shall be cleared of combustible vegetation and other combustible materials.
 - 2. Any part of the BESS that is within five hundred (500) feet of a property line or right-of-way, or within one thousand five hundred (1,500) feet of a residential structure, shall be screened. Additional screening may also be required if the County Zoning Administrator deems such is necessary.
 - 3. The screening shall include a continuous line of native evergreen foliage, and/or native shrubs, and/or native trees, and/or any existing wooded area. The landscaping shall not be required if the BESS is not visible to a dwelling by virtue of the existing topography as determined by the Sangamon County Zoning Administrator.
 - 4. All screening shall be maintained by the BESS owner for the life of the facility, with replacement plantings and/or berm maintenance conducted as necessary. Failure to do so will be a violation of the Conditional Permitted Use ordinance.
- D. Power and Communication Lines. Power and communication lines running to and from the BESS shall be buried underground, except at the interconnection point to the electrical grid. Exemptions may be granted by the County Zoning Administrator in instances where water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Zoning Administrator. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines, which should be agreed to and adhered to between the landowner and the developer.
- E. Agriculture Impact Mitigation Agreement (AIMA).
 - 1. A signed copy of the Agricultural Impact Mitigation Agreement shall be submitted prior to the issuance of any building permits.

17.35.030 – Certification.

BESS shall conform to applicable industry standards, including those from the Underwriters Laboratory (UL).

All applicable county, state, and federal codes and regulations shall be followed.

17.35.040 – Petition.

The petition for a Conditional Permitted Use for a BESS shall include:

- A. A written summary of the project including:
 - 1. A general description of the project, including its approximate capacity;
 - 2. Number of structures; and,
 - 3. The system height.
- B. The name(s), address(s), and phone number(s) of the property owner and/or BESS operator.
- C. A site plan showing the following:
 - 1. Boundaries of the site.
 - 2. Property lines.
 - 3. Setback lines.
 - 4. Existing or proposed easements.
 - 5. Location of all existing structures with their uses identified.
 - 6. All proposed structures, including, but not limited to, the project BESS, the project substation, interconnection substation, on-site generators (if applicable), and any ancillary equipment (if applicable).
 - 7. On-site vehicular circulation.
 - 8. Vehicular parking.
 - 9. Sidewalks.
 - 10. Fencing.
 - 11. The location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown.
 - 12. Proposed site grading with elevations, including floodplain (if applicable).
 - 13. Storm water drainage including retention/detention areas.
 - 14. Fire hydrant locations (if applicable).
 - 15. Landscaping screening plan (if applicable).
- D. Letters from the serving utility companies indicating the availability and adequacy of utility services.
- E. Approval from the County Engineer and respective Road District Commissioner authorizing the access to any public roadway. The County Engineer shall also

4-10

provide approval for all on-site drainage and vehicular flow on the BESS Project Area.

- F. All other information contained in Chapters 17.58, 17.66, and 17.68 of this Zoning Ordinance as may be required to file a petition.
- G. A minimum fee of \$5,000 per megawatt or portion there of the nameplate capacity not to exceed \$50,000.

17.35.050 – Certificate of Compliance.

Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:

- A. An updated site plan with all items previously required in the petition.
- B. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the BESS Project Area. Any specialized training or equipment necessary will be provided at the operator's expense.
- C. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
- D. Results from the Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT).
- E. Results from the consultation with the Illinois State Historical Preservation Office.
- F. After an approved final inspection of all building permits, a certificate of compliance shall be issued.

17.35.060 – Certificate of Occupancy.

A Certificate of Occupancy will be issued after all final inspections have been completed. A Certificate of Occupancy approval will be issued annually on the completion date and must include the following:

- A. A copy of the active insurance policy and expiration date.
- B. The name(s), address(s), and phone number(s) of the property owner and/or BESS operator.
- C. Any alterations to the site.
- D. Annual fee \$500.

17.35.070 – Decommissioning Plan.

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The facility owner will submit a decommissioning plan provided by a third party licensed engineer approved by the County with all requirements stated in the NFPA 855 and:

- A. Removal of all structures with no purpose and all debris to a depth of three (3) feet, and restoration of the soil and any vegetation to a reasonably similar state prior to construction within eighteen (18) months.
- B. Financial assurance approved by the County of a commercially available financial assurance naming the County as the beneficiary. The decommissioning cost shall be updated every five (5) years. The financial assurance will be incrementally as follows:
 - 1. 25% before the start of operation.
 - 2. 50% before the 5th year.
 - 3. 100% before the 10th year.

EXHIBIT C

CHAPTER 17.39 – DATA CENTERS

SECTIONS:

- 17.39.010 – Purpose and Intent.
- 17.39.020 – Special Requirements.
- 17.39.030 – Certification.
- 17.39.040 – Petition.
- 17.39.050 – Certificate of Compliance.
- 17.39.060 – Certificate of Occupancy.

17.39.010 – Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and location of a Data Center. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of a Data Center.

17.38.020 – Special Requirements.

Data Centers are subject to the following requirements:

- A. Height. Shall not exceed one hundred (100) feet including any roof-mounted equipment or antennas.
- B. Setbacks.
 - 1. Perimeter Setback: The front, side, and rear yard setbacks shall be a minimum of one hundred fifty (150) feet from the property lines which form the outside perimeter of a Data Center Project Area.
 - 2. Residential Structure Setback: Data Centers of twenty-five (25) feet or less in height shall be setback seven hundred fifty (750) feet from the Data Center project property line to a residential structure. Data Centers greater than twenty-five (25) feet in height shall be setback from residential structures thirty (30) times the height of the Data Center. However, suppose the developer of the facility can obtain and record with the Sangamon County Recorder a written, signed, and notarized statement from the owner of the property containing said structure waiving this setback. In that case, the minimum setback from said structure shall be reduced to two hundred (200) feet.

- C. Fencing. A fence of at least six (6) feet in height shall enclose and secure the Data Center and must comply with Chapter 17.44.
- D. Screening. A landscaping screen shall be provided for any part of the Data Center that is visible to and located within five hundred (500) feet of an existing dwelling. The landscaping screen shall be located between the required fencing and the perimeter of the Data Center Project Area. The screening shall include a continuous line of native evergreen foliage, and/or native shrubs, and/or native trees, and/or any existing wooded area. The landscaping shall not be required if the Data Center is not visible to a dwelling by virtue of the existing topography as determined by the Sangamon County Zoning Administrator.
- E. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- F. Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by both the State of Illinois and Sangamon County.
- G. Battery Energy Storage Systems (BESSs) may be considered an accessory use to the development. A BESS and a Data Center may be located on the same parcel without requiring a variance to allow multiple principal uses on a lot.

17.38.030 – Certification.

Data Centers shall conform to applicable industry standards, including those from the Underwriters Laboratory (UL).

All applicable county, state, and federal codes and regulations shall be followed.

17.38.040 – Petition.

The petition for a Conditional Permitted Use for a Data Center shall include:

- A. A written summary of the project including:
 - 1. A general description of the project, including its approximate capacity;
 - 2. Number of structures;
 - 3. Number of generators; and,
 - 4. The system height.
- B. The name(s), address(s), and phone number(s) of the property owner and/or Data Center operator.
- C. A site plan showing the following:

1. Boundaries of the site.
 2. Property lines.
 3. Setback lines.
 4. Existing or proposed easements.
 5. Location of all existing structures with their uses identified.
 6. All proposed structures including, but not limited to, the project Data Centers, the project substation, interconnection substation, Battery Energy Storage System (if applicable), and any ancillary equipment (if applicable).
 7. On-site vehicular circulation.
 8. Vehicular parking.
 9. Sidewalks.
 10. Fencing.
 11. The location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown.
 12. Proposed site grading with elevations, including floodplain (if applicable).
 13. Storm water drainage including retention/detention areas.
 14. Fire hydrant locations (if applicable).
 15. Landscaping screening plan (if applicable).
- D. Letters from the serving utility companies indicating the availability and adequacy of utility services.
- E. Approval from the County Engineer and respective Road District Commissioner authorizing the access to any public roadway. The County Engineer shall also provide approval for all on-site drainage and vehicular flow on the Data Center Project Area.
- F. All other information contained in Chapters 17.58, 17.66, and 17.68 of this Zoning Ordinance as may be required to file a petition.

17.38.050 – Certificate of Compliance.

Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:

- A. An updated site plan with all items previously required in the petition.
- B. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the Data Center Project Area. Any specialized training necessary will be provided at the operator's expense.
- C. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
- D. Results from the Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT).
- E. Results from the consultation with the Illinois State Historic Preservation Office.
- F. After an approved final inspection of all building permits, a certificate of compliance shall be issued.

17.38.060 – Certificate of Occupancy.

A Certificate of Occupancy will be issued after all final inspections have been completed. A Certificate of Occupancy approval will be issued annually on the completion date and must include the following:

- A. A copy of the active insurance policy and expiration date.
- B. The name(s), address(s), and phone number(s) of the property owner and/or Data Center operator.
- C. Any alterations to the site.
- D. Annual fee \$500.

4-16

RECAP
(For County Board Use)

DOCKET NUMBER: 2025-009

ADDRESS: N/A

PETITIONER: **The Zoning & Land Use Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: Staff finds the ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION: Approval of Staff Recommendation.

RECORDING SECRETARY

4-17

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)
The Zoning & Land Use)
Committee of the Sangamon)
County Board)
)
)

DOCKET NO: 2025-009

PROPERTY LOCATED AT:
N/A

RECOMMENDATION OF THE ZONING BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **June 18, 2025** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A, B, and C attached hereto and make a part hereof.
3. That required findings of the Sangamon County Zoning Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be **approved**.

CHAIRMAN

418

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Phil Sidles**, to concur with the findings and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **JD Sudeth**.

The vote of the Board was as follows:

YES: **Phil Sidles, JD Sudeth, Anthony Mares**

NO:

PRESENT:

ABSENT: **Charlie Chimento, Don Wulf, Richard Thompson, George Petrilli**

RECORDING SECRETARY