

Committee report passed:

ORDINANCE NO. 2026- _____ -O

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD,
WINNEBAGO COUNTY, ILLINOIS THAT:**

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 may exercise only those powers expressly granted to it by law; and

WHEREAS, the City of Rockford, Illinois, is a non-home rule municipality pursuant to Section 7 of Article VII of the Illinois Constitution; and

WHEREAS, the Illinois General Assembly has granted non-home rule municipalities the 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 powers 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 Rockford may exercise such statutory powers and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and general welfare of its citizens; and

WHEREAS, data centers and other high-tech industries are permitted uses in industrial districts, including the I-2 zoning district; and

WHEREAS, the City of Rockford has determined that if a data center development project is proposed within its boundaries, it is necessary, and in the public's interests for the protection of public health, safety, and general welfare, 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 Rockford, Illinois; and

WHEREAS, to date, no application for a permit has been filed with the Planning & Zoning Division in the Community and Economic Development Department. Accordingly, no party is prejudiced by the proposed action of City Council for the City of Rockford, discussed herein; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ROCKFORD, ILLINOIS, AS FOLLOWS:**

Section 1. Recitals.

The recitals are true and accurate and are hereby incorporated by reference.

Section 2. Purpose.

- A. Pursuant to the Illinois law cited herein, the corporate authorities of the City of Rockford, Illinois, find that it is necessary, and in the public's interests for the protection of public health, safety, and general welfare, to impose a temporary moratorium on the receipt of applications for the processing approval of, and the issuance of any type of permit, including but not limited to re-zoning and/or special use permits; and
- B. The corporate authorities of the City of Rockford, Illinois, find that it is necessary, and in the public's interests for the protection of public health, safety, and general welfare, to conduct a comprehensive evaluation of best practices for regulating the development, expansion, and operation of data centers within the City of Rockford.
- C. The City Council directs the City Administrator, and designees, to conduct a comprehensive evaluation of best practices for regulating the development, expansion, and operation of data centers within the City of Rockford.

Section 3. Scope of Evaluation.

The evaluation should include, but not be limited to, consideration of:

- A. Appropriate zoning districts and land use compatibility.
- B. Special use permit or planned development requirements, where appropriate.
- C. Site design standards, including buffering, landscaping, setbacks, building design, screening, and lighting.
- D. Noise standards, including operation of backup generators and mechanical equipment.
- E. Utility infrastructure capacity, including electric transmission, substations, natural gas, fiber optic infrastructure, and wastewater systems.
- F. Water use, conservation measures, and cooling technologies.
- G. Stormwater management and environmental sustainability.
- H. Emergency management considerations, including fire suppression systems, hazardous materials, and coordination with emergency responders.
- I. Construction impacts, including traffic management and infrastructure protection.
- J. Sustainability measures, including energy efficiency, renewable energy opportunities, greenhouse gas reduction strategies, and waste heat recovery where feasible.
- K. Fiscal impacts, including property tax revenues, utility revenues, infrastructure costs, and municipal service demands.
- L. Economic development impacts, including employment opportunities during construction and operations.
- M. Security considerations and resilience of critical infrastructure.
- N. Decommissioning or redevelopment standards for obsolete facilities.
- O. Any other issues determined by staff to be relevant to protecting the public interest.

Section 4. Comparative Review.

Staff is further directed to review and summarize applicable regulations, policies, and best practices adopted by other municipalities, counties, and states, including communities that have recently approved or denied data center developments, and to identify regulatory approaches that may be appropriate for consideration in Rockford as a non-home rule community.

Section 5. Stakeholder Engagement.

In conducting this evaluation, staff is encouraged to solicit input from relevant stakeholders, including:

- Local electric, water, and wastewater utilities;
- Economic development organizations;
- Regional planning agencies;
- Environmental and sustainability experts;
- Public safety officials;
- Representatives of the data center industry;
- Nearby municipalities with relevant experience; and
- Members of the public.

Section 6. Recommendations.

Following completion of the evaluation, staff shall prepare a written report to the City Council that includes:

- A. Findings regarding regulatory best practices;
- B. Identification of potential benefits and challenges associated with data center development in Rockford;
- C. Recommendations regarding whether amendments to the City's zoning ordinance, code of ordinances, engineering standards, or other City policies are warranted; and
- D. Draft ordinance language, if appropriate.

Section 7. Timeline.

Staff shall present its findings and recommendations to the City Council within 180 days of adoption of this Ordinance, or such additional time as may be authorized by the City Council.

Section 8. Temporary Moratorium

The Temporary Moratorium established in this Ordinance shall be, and is hereby established for six (6) months from this Ordinance's effective date; and

Section 9. Exceptions.

The Temporary Moratorium established in this Ordinance will not apply in the following circumstances and the City may accept, process and, if appropriate, approve permit applications for the following types of work:

- (A) Warehouse remodeling and Data Hall remodeling in existing data centers with entitlement applications filed before the effective date of this ordinance;
- (B) Routine maintenance or repairs at existing data centers that do not increase operational capacity;
- (C) Public safety or emergency facilities operated by government entities;

- (D) As required by applicable law, regulation, or ordinance.
- (E) Existing I-2 zoned properties under an annexation agreement.

Section 10. Existing Approved Permits.

Nothing in this Ordinance will affect the rights of any person or entity whose application for a permit pursuant to _____ of the City's Code or petition for zoning relief pursuant to _____ of the City's Code for a data center or warehouse that has been approved by the City. Nothing in this Ordinance will affect the rights of any person or entity who has submitted a completed application under _____ for zoning relief or a permit for a data center or warehouse prior to this Ordinance's Effective Date.

Section 11. Conditional Processing of New Applications.

Any proposal to construct or build a datacenter or warehouse in any Zoning District may still be presented to the City for consideration, and such applications will be processed conditionally during the term of the Temporary Moratorium, but no such application will be finally approved until (a) the expiration or termination of the Temporary Moratorium and (b) the City confirms that the application complies with the applicable regulations in effect following the expiration or termination of the Temporary Moratorium. Persons or entities filing an application pursuant to this Section 7 do so at their own risk.

Section 12. Hardship Appeals Process.

An applicant seeking to establish a Temporary Moratorium Use may seek an exception from the Temporary Moratorium as follows:

- (A) File a written request for relief with the Zoning Officer on forms provided by the City.
- (B) A request for relief will be considered at a public hearing, properly noticed in accordance with the Zoning Ordinance.
- (C) Based on the evidence presented at such hearing and the factors set forth in this Ordinance, the Zoning Board of Appeals will make a recommendation to the City Council.
- (D) Following receipt of the Zoning Board of Appeals, the City Council may, at a regularly scheduled meeting and by ordinance duly adopted, grant the applicant an exception to the provisions of the Temporary Moratorium.
- (E) In order to obtain an exception to the provisions of the Temporary Moratorium, an applicant must demonstrate by clear evidence and the City Council must determine that:
 - (i) the effect of the Temporary Moratorium has caused or will cause an economic hardship on the applicant;
 - (ii) the applicant cannot yield a reasonable return on the property if a data center or warehouse is not allowed;
 - (iii) the applicant has made substantial investment in the development of a data center or warehouse that is affected by the Temporary Moratorium, which investment was made in reasonable reliance on the regulations in effect prior to the Temporary Moratorium and without knowledge of pending changes in such regulations (including this Temporary Moratorium), and based on a reasonable probability of zoning approval by the City;
 - (iv) the data center or warehouse would have been allowed as a matter of right under the pre-existing Zoning Ordinance; and

- (v) the data center or warehouse as proposed complies with all other applicable City ordinances, regulations, and rules.

Section 13. Severability.

The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

Section 14. Repeal of Prior Ordinances.

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

Section 15. Effective Date.

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

APPROVED:

MAYOR

ATTESTED:

LEGAL DIRECTOR

PASSED:

APPROVED:

PUBLISHED:

ATTESTED and FILED in my office this _____ day of _____, 2026, and
published in pamphlet form this _____ day of _____, 2026.

Legal Director and ex officio

Keeper of the Records and seal

RECOMMEND & APPROVED BY:

Angela L. Hammer, Legal Director

DRAFT