
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: ZONING ORDINANCE AMENDMENT (DATA CENTER DISTRICT)
AGENDA: DECEMBER 6, 2022 VILLAGE BOARD MEETING
DATE: DECEMBER 2, 2022

ISSUE

Shall the Village Board approve an ordinance amending the Zoning Ordinance to establish a zoning district exclusively for data centers.

DISCUSSION

The Village Board previously discussed this matter at its November 15, 2022 meeting and directed Village staff to prepare an ordinance to adopt the proposed data center zoning district and regulations, including a change suggested by Trustee White to add specific language with respect to building setbacks when data centers are located adjacent residential districts. Trustee White has since informed Village staff the requested change is unnecessary. The attached Ordinance reflects the draft language originally presented to the Village Board prior to Trustee White's requested change.

It should be noted that despite the references to a "data center district" the proposed amendment also will permit data centers in the M-1 and I-1 industrial zoning districts, subject to the same development standards.

ATTACHMENTS

- Ordinance Amending Title 11, Zoning Regulations (Data Center District, regulations)

RECOMMENDATION

The Village Board approve an Ordinance amending the Village Code Title 11, Zoning Regulations to establish a new zoning district for data centers and regulations for same.



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2022-1206B

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(DATA CENTER ZONING DISTRICT, REGULATIONS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 6th day of December 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 6th day of December 2022

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2022-1206B

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(DATA CENTER ZONING DISTRICT, REGULATIONS)**

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

WHEREAS, the Village currently maintains zoning regulations governing the use and improvement of land within the Village; and,

WHEREAS, the Village finds that such restrictions provide for the safety and well-being of Village inhabitants and benefit the public welfare, safety and morals; and,

WHEREAS, the Village seeks to continue to promote these interests, and seeks to amend the Village Code to more fully protect and preserve the safety and well-being of such inhabitants; and,

WHEREAS, from time to time, it is necessary and desirable to modify the zoning regulations in response to changes in community attitudes, technology, development and the law; and,

WHEREAS, after due notice the Planning Commission held a public hearing concerning the proposed amendments on October 19, 2022, and no objectors were present; and

WHEREAS, the Planning Commission recommended in their Recommendation PC22-015 that the Village Board approve the Zoning Ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: ZONING ORDINANCE AMENDMENT

Title 11 (Zoning Ordinance) of the Village Code of Ordinances be amended as provided in **Exhibit A**, attached hereto and made a part hereof by this reference.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

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

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 6^h day of December 2022.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Ryan Walter	_____	_____	_____	_____
Trustee James White	_____	_____	_____	_____

Exhibit A

Part 1. Amend Title 11 by adding the following:

Chapter 10B DC, DATA CENTER DISTRICT

11-10B-1: PURPOSE

11-10B-2: DEFINITION

11-10B-3: USES

11-10-4B: LOT SIZE REGULATIONS

11-10-5B: YARD AND SETBACK REGULATIONS

11-10B-6: MAXIMUM LOT COVERAGE

11-10B-7: STRUCTURE HEIGHT

11-10B-8: OTHER STANDARDS

11-10B-9: PERFORMANCE STANDARDS

11-10B-10 : SUBMITTAL REQUIREMENTS

11-10B-1: PURPOSE:

- A. The DC Data Center District is intended to provide for a physical environment conducive to the establishment and operation of data centers.

11-10B-2: DEFINITION

- A. Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

11-10B-3: USES:

- A. Permitted uses: See section 11-4-22 of this title.
- B. Special uses: See section 11-4-22 of this title.
- C. Permitted accessory uses: Please refer to section 11-4-7 of this title.
- D. Additional standards and criteria for specific uses: See section 11-4-23 of this title.

11-10B-4: LOT SIZE REGULATIONS:

- A. Minimum lot size: Not less than five (5) acres.
- B. Minimum lot width: Not less than three hundred fifty (350) feet shall be maintained at the building setback line.

11-10B-5: YARD AND SETBACK REGULATIONS:

Every building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

- A. Setback from the boundary lines of the district: Not less than seventy five feet (75') from streets forming the boundary line of the DC District.
- B. Minimum front and corner side yards: Not less than forty feet (40') from a front or corner side lot line of a public or private street that is interior to the DC District.
- C. Minimum interior side yards: Not less than twenty five feet (25') from an interior side lot line.
- D. Minimum rear yards: Not less than fifty feet (50') from a rear lot line, unless the lot line forms the boundary line of the DC District. In that case, not less than seventy five feet (75') shall be provided.
- E. Yards adjacent residential zoning districts: Where a lot line in the DC District coincides with a front, side or rear lot line of a residential or institutional use or district, or forms the boundary line of the DC District, the minimum yard requirement in the DC District shall be an additional one foot for each foot of building height.

11-10B-6: MAXIMUM LOT COVERAGE:

No more than seventy five percent (75%) of a lot shall be occupied with buildings, accessory structures and impervious surfaces.

11-10B-7: STRUCTURE HEIGHT:

Not more than sixty-five feet (65').

11-10B-8: OTHER STANDARDS:

- A. Pedestrian and Bicycle Facilities.
 - 1) Provision of Sidewalks and/or Trails. Sidewalks and/or trails for pedestrian and/or bicycle access shall be provided, at a minimum, along any side of a public road that abuts the property upon which the data center is located as required by the Village Engineer.
- B. Building Design/Materials:
 - 1. One hundred percent (100%) of building facades in the DC District facing a public right-of-way and fifty percent (50%) of other facades shall be constructed of masonry, brick, stone, or

decorative concrete block (excluding plain concrete block), architectural steel and glass, or precast panels. Aluminum or vinyl siding shall not be allowed as a primary building material.

2. Principal building facades (all building facades that face adjacent public roads) shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements: change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color, or use of accent materials.
3. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
4. Walls that exceed a length of two hundred fifty feet (250') shall be articulated through changes in the plane of the facade, installation of windows, installation of landscaping, or any combination thereof.
5. Building facades sixty feet (60') or greater in length should include plane changes, projections, and/or recesses of two feet (2') or greater to provide visual interest, identity, character, and scale.

C. Mechanical Equipment and Utilities:

All heating, ventilating and air conditioning equipment, generators, utility services, storage yards, satellite antennas, and mechanical equipment shall be screened on all sides of the building that are exposed to public view, as follows:

1. Roof-Mounted Mechanical Equipment:

- a. Roof screens and/or parapet wall screens shall be allowed in this district, provided they are designed to blend with the architectural style, materials and color of the building. The height of the approved screening shall be equal to the height of the tallest rooftop unit installed on the building.
- b. Flues, goosenecks or other equipment that is mounted on the roof shall also be screened when heights exceed four feet (4').

2. Ground-Mounted Mechanical Equipment:

- a. Enclosure fences to screen service and utility areas (such as HVAC, mechanical equipment, utility services, storage yards, or satellite antennas) shall not exceed eight (8) feet in height. Landscaping may be an appropriate screening.
- b. Enclosure fences to screen service and utility areas shall be designed to blend with the architectural style, materials and color of the building.

D. Landscaping Requirements: Where a Data Center shares a common lot line with a property zoned in a more restrictive zoning district, landscape screening shall be provided at the rate of three (3) shrubs per each twenty five (25) linear feet of data center property lines.

1. Street Trees: One (1) 2 1/2-inch caliper shade tree shall be installed in the right-of-way per each fifty (50) linear feet of frontage, as required by the Village Engineer.
2. Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the Village, by requiring replacement trees:
 - a. Existing trees, six inches (6") in diameter or greater, as measured at breast height (dbh), shall be preserved, when possible, according to a tree preservation plan prepared by the developer with input from the Community Development Director or designee. The tree preservation plan shall show:
 - b. Protective fencing planned to be installed around the critical root zone of those trees identified for preservation, on both grading and landscape plans.
 - c. Trees that will have their roots pruned by a certified arborist, to avoid tearing and other damage during construction.
 - d. Locations where limestone and other materials that might negatively affect trees planned to be preserved will be stored on the property.
3. Tree Replacement: Where it is determined that trees six inches (6") dbh or greater must be removed to allow for proposed development, tree replacement will be required:
 - a. Not less than one (1) 3-inch caliper tree shall be required for each six inches (6") of tree proposed to be removed, as measured at breast height. However, in no instance shall more than three (3) 3-inch caliper replacement trees be required for any tree removed.
 - b. Replacement trees shall be required in addition to any other landscaping that may be required by this title, except landscape screening. In this instance replacement trees can be used to count toward screening between DC development and properties planned, zoned or used for residential or institutional purposes.
 - c. The number of trees that an individual property can support, according to good forestry practices, shall determine the number of replacement trees that will be required on an individual lot.
- E. Waste Materials: No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow.
- F. Security Fencing: The establishment of fences in the DC District shall be regulated as follows, and conform with the provisions of chapters 6, 9, 9A, 10, and 10A of this title:
 1. Fences shall be constructed and maintained along the perimeter of the property at a height of eight feet (8').

2. Fences shall be positioned so that the finished side faces away from the lot on which it is constructed.
 3. Fences shall be located and landscaped in order to meet the screening standards required in chapters 9 and 10 of this title.
 4. Permitted fence materials include wood, vinyl, aluminum, and iron. No chain link or mesh type fence with inserted screening slats or screening fabric shall be acceptable. No fence shall contain barbed wire, razor wire, electrified elements, but not including motorized gates, or any components determined by the Village to constitute a public safety hazard.
- G. Construction of Additional Buildings and Improvements: The Owner shall have the right, but not the obligation, to construct Additional Buildings and Improvements on the Property as part of the Planned Development, without further zoning review or approval by the corporate authorities of the Village, if:
1. The Owner submits to the Community Development Director site plans, elevations, and landscape plans depicting the Additional Buildings and Improvements; and
 2. The Community Development Director determines, in his reasonable judgment, that the Additional Buildings and Improvements depicted on such plans comply with the Development Standards set forth.
- H. Outdoor Illumination: All exterior lighting shall be designed and constructed as set forth in Section 11-8-5 of the Zoning Code.
- I. Parking: All parking shall be designed and constructed as set forth in Section 11-12 of the Zoning Code.
- J. Wastewater: Wastewater flow rates are limited to six (6) population equivalents per acre.

11-10B-9: PERFORMANCE STANDARDS:

Noise, glare, vibration, odor, etc., shall be regulated according to standards established by the Illinois Pollution Control Board of the Environmental Protection Agency, as may be amended from time to time. (Ord. 2002-01-15B, 1-15-2002) and in accordance with all state, local and municipal building and zoning ordinances.

11-10B-10: SUBMITTAL REQUIREMENTS:

Three (3) sets of drawings that include the information set forth below are required for processing permitted uses on the individual lot in the DC, Data Center District. Chapter 13 of this title includes requirements for processing special uses and planned developments.

- A. Site information, including:
1. Name and address of the owner, applicant, planner, architect, engineer, and landscape architect.

2. Date, scale and north arrow.
 3. Total acreage of the site.
 4. Title by which the property or project is to be referred.
 5. Proof of ownership.
- B. A copy of a survey, prepared by a registered land surveyor, including a legal description of the subject property.
- C. Existing and proposed zoning of the subject property.
- D. Existing zoning of adjacent parcels.
- E. Adjacent development, including buildings, drives, fences, walls, parking lots, etc., within a minimum of one hundred feet (100') of the subject property.
- F. Location and size of all buildings and structures, both existing and proposed.
- G. Ground elevations of the property, both existing and proposed.
- H. Locations of floodplain, floodway, wetlands and existing vegetation.
- I. Soil analysis, if required by the Village Engineer.
- J. Building setbacks from street rights-of-way and all property lines.
- K. Yards and spaces between all structures.
- L. Location and dimensions of all fences and walls.
- M. A landscape plan, prepared by a qualified landscape architect, which includes spot elevations, or is superimposed on a half-toned grading plan to show the relationship between proposed plantings and final grades.
- N. Identification of vehicular, pedestrian and service access, including:
1. Distance from the driveway opening at the curb to the prolongation of the property line of the nearest intersecting street.
 2. Width of proposed access drives and drive aisles.
 3. Identification and location of:
 - a. Curb lines.
 - b. Property lines.
 - c. Sidewalks.
 - d. Existing driveways, if any.
 - e. Parking regulations and signs.
 - f. Traffic signals.
 - g. Utility poles.
 - h. Light standards.

[illegible]

Part 3. Amend Section 11-4-23 as follows:

11-4-23: ADDITIONAL STANDARDS FOR SPECIFIC USES: *add the following*

In order to carry out the recommendations of the Village of Sugar Grove Comprehensive Plan and the purposes and provisions of this title, the following uses permitted in the zoning districts described in section 11-4-22 of this chapter shall be subject to the following additional standards, conditions and restrictions:

Data Centers: Regulated by chapter 10B of this title