



MORATORIUM HARDSHIP APPEAL

14 October 2025

Appellants, please use this form and checklist to complete a hardship appeal to the Data Center and Warehouse Moratorium. Note the attachments, data and fees required to accompany this appeal. Note below an enumerated process to anticipate following your completed appeal application.

<https://www.aurora.il.us/Property-and-Business/Zoning-and-Planning/Data-Center-and-Warehouse-Moratorium>

The following are required in order to consider this a completed application for appeal:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | A. File a written request for relief with the Zoning and Planning Director on forms provided by the city. Please complete this form and augment as you see fit to prove your hardship. |
| <input type="checkbox"/> | B. Applicants must demonstrate by clear evidence that as many of the ordinance specified conditions as applicable which are listed on the following page have created a hardship. Please fill in and complete all the blanks on page 2 of this application, referring to additional information attached if necessary and also declaring not applicable if appropriate for that specific condition. |
| <input type="checkbox"/> | C. Processing and publishing fees totaling \$320 shall be paid to the City of Aurora with this application. |

Appeals Process to Anticipate:

1. The City of Aurora will publish in the local newspaper the 15-day Public Notice.
2. Public Hearing date will be set and confirmed by City of Aurora. City of Aurora Staff will not tender any opinion or position on the appeal to the Planning and Zoning Commission.
3. By noon four (4) business days preceding the Public Hearing at Planning and Zoning Commission, the Appellant shall provide any additional material(s) they wish for Planning Commission Members to review for the hearing.
4. Appellant may make a presentation demonstrating clear evidence of hardship to the Planning and Zoning Commission at the appeal. Based on the evidence presented, and the factors set forth in the Ordinance, the Aurora Planning and Zoning Commission will make a recommendation to the City Council.
5. Following receipt of the Aurora Planning and Zoning Commission's recommendation, 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.

MORATORIUM HARDSHIP APPEAL

DATE FILED _____

Property Owner: _____

Subject Property Address: _____ City, State ZIP: _____

Owner Phone Number: _____

Owner Email Address: _____

Contact Information: _____

Relationship to Property: _____

Contact Address: _____ City, State ZIP: _____

Contact Phone Number: _____

Contact Email Address: _____

E. **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 datacenter or warehouse is not allowed;
- iii. The applicant has made substantial investment in the development of a datacenter 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 datacenter or warehouse would have been allowed as a matter of right under the pre-existing Zoning Ordinance; and
- v. The datacenter or warehouse as proposed complies with all other applicable City ordinances, regulations, and rules.

Please provide your answers on a separate sheet.

<https://www.aurora.il.us/Property-and-Business/Zoning-and-Planning/Data-Center-and-Warehouse-Moratorium>



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 025-064
DATE OF PASSAGE September 25, 2025

An Ordinance establishing a temporary moratorium on Data Center Facilities and Warehouses in all Zoning Districts.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, subject to said Section, the City is authorized to establish temporary restrictions on the development of certain property uses within the City for the limited and specific purposes of determining whether and to what extent additional regulations are necessary to promote and protect the public health, safety, morals and welfare of the City and its residents;

WHEREAS, pursuant to Section 2-280 of the City of Aurora Code of Ordinances, the Development Services Department is responsible for zoning, planning, permitting, and economic development, and the Zoning & Planning and Building & Permits Divisions has jurisdiction over annexation, permitting, planning, and zoning; and

WHEREAS, the City has determined that better zoning regulations need to be established for data center facilities and warehouses, as defined in Section 49-103.3 of the Aurora Zoning Ordinance, as amended, and wishes to establish a temporary zoning moratorium on datacenters and warehouses in all Zoning Districts to preserve the status quo while the City studies, analyzes, and possibly adopts new zoning and development regulations; and

WHEREAS, the City has determined that it is necessary, and in the City's best interests to impose a temporary zoning moratorium on the receipt of and processing of applications for the approval of, and the issuance of any type of permit or approval for datacenters or warehouses in the City; and

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WHEREAS, a public hearing was held by the City Planning and Zoning Commission on September 24, 2025, pursuant to public notice as required by law; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section 1. FINDINGS OF FACT AND RECOMMENDATION.

The corporate authorities of the City of Aurora find that the Aurora Planning and Zoning Commission conducted a public hearing on the proposed moratorium on September 24, 2025, pursuant to notice under Article 11, Division 13 of the Illinois of the Illinois Municipal Code. The City Council hereby adopts the findings and recommendations of the Aurora Planning and Zoning Commission concerning the temporary zoning moratorium on datacenters and warehouses in any Zoning District.

Section 2. TEMPORARY MORATORIUM ESTABLISHED.

A temporary zoning moratorium ("Temporary Moratorium") is hereby established is established on the receipt of applications for the processing and approval of, and the issuance of any type of permit for datacenters or warehouses as defined by Section 49-103.3 of the Aurora Zoning Ordinance.

Section 3. DURATION.

The Temporary Moratorium established in this Ordinance will be, and is hereby established for a period of 180 days from this Ordinance's Effective Date, and the Temporary Moratorium will expire at 12:01 a.m. on March 24, 2026, unless prior to that time, the Development Services Director, in his sole and absolute discretion, extends this Temporary Moratorium by 30 days, for a total of 210 days, or if the City Council lifts the temporary moratorium by ordinance.

Section 4. STUDY AND RECOMMENDATIONS.

The Development Services Department, in consultation with the Sustainability and Economic Development Department and other City departments, shall study the impacts of data centers, learn how other cities are handling data center and warehouse development, and present findings and recommendations to the City Council or Committee of the Whole within three (3) months for discussion only.

Section 5. 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.

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Section 6. EXISTING APPROVED PERMITS.

Nothing in this Ordinance will affect the rights of any person or entity whose application for a permit pursuant to Chapter 25 of the City's Code or petition for zoning relief pursuant to Chapter 34 of the City's Code for a datacenter 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 Chapters 25 or 34 for zoning relief or a permit for a datacenter or warehouse prior to this Ordinance's Effective Date.

Section 7. 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 8. 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 and Planning Director 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, as amended, by the Aurora Planning and Zoning Commission.
- (C) Based on the evidence presented at such hearing and the factors set forth in this Ordinance, the Aurora Planning and Zoning Commission will make a recommendation to the City Council.
- (D) Following receipt of the Aurora Planning and Zoning Commission's recommendation, 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 datacenter or warehouse is not allowed;

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- (iii) the applicant has made substantial investment in the development of a datacenter 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 datacenter or warehouse would have been allowed as a matter of right under the pre-existing Zoning Ordinance; and
- (v) the datacenter or warehouse as proposed complies with all other applicable City ordinances, regulations, and rules.

Section 9. 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 10. 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 11. 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.

ORDINANCE NO. 025-064

LEGISTAR NO. 25-0731

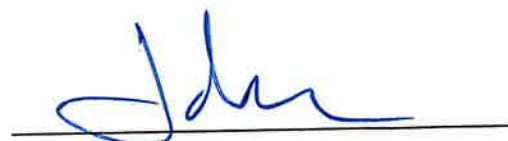
PASSED AND APPROVED ON September 25, 2025

AYES 10 NAYS 1 NOT VOTING 0 ABSENT 1

ALDERMAN	Vote
Alderman Barreiro, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Núñez, Ward 4	yes
Alderman Franco, Ward 5	no
Alderman Saville, Ward 6	yes
Alderman Bañuelos, Ward 7	yes
Alderwoman Smith, Ward 8	absent
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Larson, At-Large	yes
Alderman White, At-Large	yes

ATTEST:


City Clerk Jennifer Stallings


Mayor John Laesch

- i. The effect of the Temporary Moratorium has caused a significant economic hardship to the owner. Mary Lynn, LLC purchased the subject property for \$232,848.50 in cash, intending to develop the site for warehouse use. Since the moratorium's adoption, the property has produced no income and cannot be developed or utilized as intended. In addition to the purchase price, the owner has incurred \$85,605.00 in architectural and design expenses and \$1,400.00 in permit fees, all of which were paid in reliance on the ability to move forward with construction. The property continues to generate ongoing carrying costs, including property taxes, insurance, and maintenance, with no means to offset these losses. Because construction has been halted, the owner must continue leasing an alternate warehouse facility at a monthly cost of \$3,974 to maintain operations. The inability to proceed has resulted in a substantial financial burden and an unreasonable delay in realizing any return on investment.
- ii. Without the ability to proceed with the proposed warehouse development, the owner cannot yield a reasonable return on the property. The site remains vacant and unproductive, creating ongoing financial strain and preventing the owner from realizing any benefit from their substantial investment.
- iii. The owner made a significant cash investment in acquiring the property, acting in good faith and in reliance upon the City's prior development review framework. The purchase occurred without any notice or knowledge of a pending moratorium or development restriction. The investment was made with a reasonable expectation that the property could be improved with a commercial or industrial use consistent with the surrounding area.
- iv. Prior to the adoption of the Temporary Moratorium, the owner's proposed warehouse development would have been permitted under the City's then-existing zoning and development regulations. The moratorium has now halted all progress toward site planning, engineering, and permitting, preventing the owner from submitting final construction plans and completing the project as intended. The owner has incurred substantial unrecoverable expenses and continues to bear ongoing holding costs as a direct result of the City's action.
- v. The owner intends to fully comply with all applicable City ordinances, codes, and regulations once the moratorium is lifted or an exemption is granted. The proposed development would meet all required design, building, and safety standards.