PUBLIC DISCLOSURE & REVIEW COVER SHEET

Franklin County Area Plan Commission (FCAP)

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Draft Ordinance Section 80.06.09: Data Center Regulations, Section 80.13.H: Definitions

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Revision History:

Version	**Date**	**Summary of Change**	**Status**
v 1.0	2/17/26	Original Release	Public
v. 2.0	3/03/26	First Revision	Public

S ECTION 80.06.09
DATA CENTER REGULATIONS

A) Regulations
    1. Permitted Use: Data Centers are permitted as a Class 3 Conditional Use in the I-1 (Industrial) zoning district.
    2. Conflict of Regulations: In the event that Data Center regulations in this section conflict with any other part of the Franklin County Zoning Ordinance, the most restrictive rule shall take precedence unless this section explicitly states otherwise.

B) Site Development Standards
    1. Development Setbacks
        a. Standard Setbacks: A minimum 300-foot setback shall be provided along the entire length of any public street frontage and along any property line shared with a parcel zoned for all districts.
        b. Industrial Boundary Exception: A minimum 200-foot setback shall be provided along any property line shared with a parcel currently zoned for Industrial use.
    2. Noise Generating Equipment Setbacks
        a. All NGE (including chillers, exhaust fans, and backup generators) must be located a minimum of 500 feet from any property line.
        b. NGE setbacks may be reduced if a Certified Acoustic Study demonstrates that the specific equipment, in conjunction with proposed sound walls or mitigation, will meet the established decibel limitations at the property line.
    3. Residential Protection within Industrial Districts:
        a. Notwithstanding the underlying zoning, any property containing a legally established residential dwelling shall be afforded the protections of the "Standard Setback" category.
        b. No Noise Generating Equipment (NGE) shall be placed within 500 feet of a residential property line unless the applicant demonstrates, via a third-party acoustic study, that the sound levels at said property line will not exceed "All Other" noise levels as defined in the ordinance.
    4. Change in Adjacent Land Use:
        a. The noise limits set forth in this ordinance shall be determined by the neighboring land use existing at the time of the Data Center's Development Plan Approval.
    5. Buffer Yard Requirements
        a. Standard Buffer Yard: For all property lines described in Section B.1.a, buffer yard shall be established. This buffer must include:
            i. A minimum 100-foot-wide buffer yard shall be established within the required setbacks.
            ii. A staggered multi-tier system to provide a year-round visual and acoustic screen.
        b. Industrial Neighbor Exemption: No earthen berm or specific landscape buffer yard is required along property lines shared with a parcel zoned for Industrial use, provided the 200-foot setback is maintained.
        c. All ancillary uses—including, but not limited to, parking lots, maintenance sheds, outdoor storage, and substations—shall be located outside of the designated buffer yards. This restriction ensures the integrity of the acoustic

screening, protects essential landscaping, and preserves undeveloped open space.

d. Security fencing must be located interior to any required landscape buffer and berm (closer to the building) so that the fence is screened from public view. Where no buffer is required (Industrial boundaries), fencing may be placed according to standard industrial zoning rules.
e. Where an earthen berm is technically insufficient to meet Noise Ordinance standards, a certified Sound Wall may be installed on top of, or behind the berm to provide required noise attenuation.

6. Building Height Requirements
    a. The primary structure, including all rooftop parapets, screens, and mechanical equipment, shall not exceed 60 feet.
    b. Primary structures shall be set back from any adjacent Agricultural District at a distance sufficient to prevent shadowing on adjoining properties.

C) Design and Installation Standards
1. Comprehensive Acoustic Performance Standard
    a. Low Frequency and Broadband Compliance shall be determined by simultaneous measurements of dBA and dBC levels. A violation occurs if:
        i. Limit Breach: The noise exceeds the maximum dBA or dBC limits for the zone as established in Table 1, or;
        ii. Low-frequency noise compliance shall be evaluated using the C-weighted minus A-weighted ($L_{Ceq} - L_{Aeq}$) methodology as described in Annex D of ANSI/ASA S12.9-2005/Part 4. A difference of 15 dB or greater shall be considered a violation of this code due to the high probability of structural rattle and enhanced human annoyance.
        iii. Measurements shall be taken at the property line or at any point on an adjacent property where the impact is perceived to be highest. Compliance is determined by the maximum sound level detected; a passing measurement at the property line shall not waive a violation occurring elsewhere on the adjacent parcel.
    b. Tonal Correction
        i. A "Prominent Discrete Tone" exists if the sound level of any 1/3 octave or narrow band exceeds the arithmetic average of the two adjacent bands by 5 dB or more (Narrow Band Analysis resolution 2Hz–3Hz).
        ii. Automatic Reduction: If a tone is present, the maximum allowable limits in Table 1 shall be automatically reduced by 5 decibels for both dBA and dBC.
    c. Nighttime Enforcement: Limits (10:00 PM to 7:00 AM) shall be strictly enforced based on a one-hour L_{eq} (equivalent continuous sound level).
    d. Operational Restrictions:
        i. Maintenance and testing of all emergency power systems, backup generators (regardless of fuel source), and associated cooling equipment shall be restricted to Monday through Friday, between the hours of 9:00 AM and 5:00 PM, and shall not occur on legal holidays.

Neighboring Land Use	Day (7 AM – 10 PM)	Night (10 PM – 7 AM)
Industrial	70 dBA / 85 dBC (L_{eq} – 1 *hr*)	65 dBA / 80 dBC (L_{eq} – 1 *hr*)
All Other	55 dBA / 70 dBC (L_{eq} – 1 *hr*)	50 dBA / 65 dBC (L_{eq} – 1 *hr*)

Table 1- Noise Limits-A and C Weighted Bands

2. Ground-Borne Vibration and Mechanical Isolation
    a. Ground-borne vibration generated by facility operations shall not exceed a Peak Particle Velocity (PPV) of 0.005 inches per second at the property boundary or within any adjacent habitable structure, in accordance with ANSI S2.71 standards.
    b. Applicant shall provide a written statement from a Licensed Professional Engineer certifying that all Reciprocating (piston-driven) and Rotating (motor/fan-driven) Noise Generating Equipment (NGE) have been equipped with appropriate anti-vibration controls such as inertia bases, isolation springs, or high-deflection mounts sufficient to meet the standards in this Section.
    c. The requirement for secondary isolation hardware (e.g., springs or mounts) may be waived if the Applicant provides a site-specific Vibration Analysis Report. This report must:
        i. Prove that the equipment's native vibration signature and the proposed structural mounting (e.g., specialized high-density concrete slabs) will meet the 0.005 PPV limit without secondary controls.
    d. If the 0.005 PPV limit is exceeded during testing, the developer shall be required to retrofit the equipment with isolation controls at their own expense prior to the issuance of a final Certificate of Occupancy.
3. Ambient Thermal Impact Standard
    a. The operation of the facility, including its cooling systems, exhaust fans, and architectural design (roof heat gain), shall not significantly increase the ambient air temperature beyond the property boundary.
    b. Thermal Discharge Limits:
        i. Average Daily Limit: The facility shall not cause an average temperature increase of more than 5°F above the True Ambient Temperature at any point on the property line over any continuous 24-hour period.
        ii. Instantaneous Limit (Heat Blast Event): A "Heat Blast Event" is defined as any period where the temperature at the property line exceeds the True Ambient Temperature by 10°F or more. Such events shall not exceed a cumulative total of five (5) minutes in any one-hour period.
4. Lighting and Glare Standards
    a. BUG Rating Compliance
        i. All exterior lighting shall comply with the following maximum ratings based on adjacent land use:

Adjacent Property District	Backlight (B)	Uplight (U)	Glare (G)
Residential	B0	U0	G0
Agriculture	B1	U0	G1
Commercial/Industrial	B2	U0	G2

Table 2-BUG Rating by District

b. Design & Material Standards
    i. All exterior luminaires shall be 'Full Cutoff' design and maintain a BUG rating of U0 (zero uplight) in their final installed orientation.
    ii. Color Temperature: All exterior lamps must be 3000K or lower.
    iii. Exterior building materials must have a Light Reflectance Value (LRV) of 40 or less.

5. Rooftop Regulations
    a. Any equipment located at an elevation exceeding thirty (30) feet must be screened from public view at the property line.
    b. Acoustic shrouds or parapet wall extensions are required if a direct line-of-sight exists from the equipment to any adjacent residential property.
    c. Such screens must be fully opaque and constructed of sound-attenuating materials to ensure all Noise Generating Equipment (NGE) is concealed both visually and acoustically from adjacent properties.
    d. All rooftop exhaust fans must be configured for Vertical Discharge to minimize lateral noise and air impact.
    e. All rooftop mechanical units must be mounted on vibration isolation curbs to prevent structural noise transmission.
6. Fuel Storage and Environmental Compliance
    a. All diesel fuel storage systems shall comply with IDEM regulations and the Indiana Fire Code.
    b. The applicant shall submit a copy of the EPA Spill Prevention, Control, and Countermeasure (SPCC) plan, certified by a P.E., to the Area Plan Commission prior to the issuance of a Certificate of Occupancy.
    c. All fuel storage tanks must be double-walled or located within a secondary containment area capable of holding 110% of the tank's volume.
7. Battery Energy Storage Systems Standards
    a. Any Battery Energy Storage System associated with the Data Center must strictly adhere to the following:
        i. NFPA 855 Adoption: All systems shall be designed, installed, and maintained in full compliance with NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems), as well as Indiana Building and Fire Codes.
        ii. UL Certification: All battery modules and racks must be UL 9540 listed and have undergone UL 9540A testing to evaluate fire-spread at the terminal level.

D) Water Supply and Resource Management
1. Water Conservation Plan

   a. All applicants must submit a formal Water Conservation Plan as part of the development application. This plan must detail:
      i. Internal Recycling: Processes for treating and reusing water within the cooling cycle.
      i. Stormwater Harvesting: Strategies for capturing and utilizing on-site precipitation for non-potable needs or site irrigation.
      ii. Leak Detection: Protocols for continuous monitoring of infrastructure to identify and repair water loss immediately.
2. Cooling Technology Standards
   a. Permitted Technology: To protect the county's water resources, all new Data Centers shall utilize Closed-Loop Cooling Systems or Air-Cooled Systems.
   b. These systems must be designed to minimize or eliminate the continuous consumption of water.
   c. Prohibited Technology: The use of "once-through" cooling or open-evaporative cooling towers—which result in significant water loss through evaporation—is strictly prohibited as a primary cooling method.
3. Mandatory Utility Connection
   a. Any Data Center facility shall be required to connect to a municipal or regional water utility if the subject property is located within [x feet or miles] of an existing service line.
   b. An exemption may be granted only if the applicant provides a written "Letter of Inability to Serve" from the utility, citing capacity or infrastructure constraints.
4. Hydrogeological Review & Water Resource Impact Study
   a. The requirements of this section apply only if the applicant proposes the construction or use of an on-site groundwater well for any purpose related to facility operations.
   c. Any facility proposing an on-site well, specifically those classified as a Significant Ground Water Withdrawal Facility under IC 14-25-4, must submit a comprehensive Hydrogeologic Report.
   d. The County shall select an independent hydrogeological consultant to review the applicant's report. The cost of this review shall be borne entirely by the applicant via a fee escrow.
   e. Delineation of the Zone of Influence (ZOI):
      i. the applicant must map the 1-foot drawdown contour using a 3D numerical model (e.g., MODFLOW) to simulate long-term pumping Effects.
   f. Inventory of Impacted Wells: The report must identify all Non-Participating Private Wells (domestic, livestock, or agricultural) located within the ZOI.
5. Mitigation and Strict Liability (Well-Based Projects Only)
   a. Restoration of Services: The developer shall be strictly liable for the restoration of any domestic or agricultural well within the ZOI found to be impacted by facility operations.
   b. Rapid Response Water Fund (Escrow): A developer proposing on-site wells must establish an escrow fund to ensure the immediate (24-hour) provision of

temporary potable water to impacted neighbors pending a formal investigation by the Indiana DNR or the County.

6. Wastewater and Discharge Management
    a. Real-Time Monitoring: The facility must implement real-time monitoring of discharge water for conductivity, pH, and temperature.
    b. Automatic Shut-Off: The discharge system must include an automatic fail-safe shut-off that halts all output if water quality metrics fall outside the specifications set by the utility or IDEM.
    c. Reporting: The Operator shall provide quarterly water quality and volume reports to the County and the applicable utility provider, including flow-metering data to ensure load balancing.

E) Project Lifecycle and Benefits Agreements
1. Project Lifecycle Agreement
    a. Prior to the issuance of any Improvement Location Permit or the commencement of site work, the Developer shall execute a Project Lifecycle Agreement (the "Agreement") with the Franklin County Commissioners.
    b. This Agreement shall serve as a legally binding contract to protect the County's infrastructure, land, and residents throughout the life of the project.
    c. The Agreement must include, at a minimum, the following protective plans:
    d. Construction Management Plans
        i. Defines permitted hours of construction, dust control measures, traffic management, and temporary lighting shields.
        ii. Establishes an escrow account funded by the Developer to pay for third-party County inspectors.
    e. Road Use and Repair Agreement (RUMA)
        i. Requires a pre-construction video/survey of all designated "hauls routes."
        ii. Requires a Traffic Impact Analysis (TIA) specifically for the construction process.
        iii. Mandates a Road Bond to ensure all roads are brought to standard conditions prior to construction and any damage caused by heavy construction traffic is repaired to "as-good or better" condition at the Developer's expense.
    f. Decommissioning and Site Restoration Plan
        i. Provides a Financial Surety Bond to be held by the Commissioners.
        ii. Ensures that if the facility is abandoned or reaches the end of its life, the equipment is removed and the land is restored to its original state (including agricultural soil remediation).
        iii. The Bond amount shall be re-evaluated every five (5) years by a third-party engineer to account for inflation and changing salvage values.
    g. Mandatory Insurance Coverage:
        i. Commercial General Liability (CGL): To cover bodily injury and property damage occurring on-site or as a result of facility operations.
        ii. Environmental & Pollution Liability: To cover the cleanup and damages resulting from the release of hazardous materials, including

diesel fuel spills from backup generators or chemical leaks from cooling systems.

iii. Cyber & Network Security Liability: To protect the County's liability in the event of a security breach that originates from the facility and impacts local or regional infrastructure.

iv. Excess/Umbrella Liability: To provide additional coverage layers due to the high-voltage and high-impact nature of the facility.

v. Proof of Coverage: A Certificate of Insurance (COI) must be submitted annually to the Executive Director.

h. Coordination of Authority:

i. The BZA: Shall include the execution of this Agreement as a mandatory Condition of Approval for any Conditional Use.

ii. The Commissioners: Shall act as the final signatory for the technical contracts and the holders of all financial bonds.

i. Enforcement:

i. Failure to maintain the Agreement or the required financial sureties shall be grounds for the immediate revocation of the Certificate of Occupancy.

2. Community Benefit Agreement:

a. As a condition of any Conditional Use for a Data Center, the Applicant shall execute a Community Benefit Agreement (CBA).

b. The CBA shall define annual 'Impact Contributions' to the County to support emergency services, rural infrastructure, and local educational initiatives.

c. Provides assurances for protection against utility cost-of-service increases.

d. The CBA shall be a public record, and the developer shall provide an annual 'Compliance Report' to the Commissioners demonstrating that all promised benefits have been delivered.

F) Preliminary Plan - Technical Review: The Executive Director will hire an independent expert to review all plans before they are submitted to the APC. The applicant is responsible for all costs associated with this review. The deliverables are:

1. Project Overview & Context

a. General Information: Total acreage, GIS coordinates, and a legal description of the subject property.

b. Campus Layout: Locations of all primary and ancillary structures, including data halls, substations, battery arrays (BESS), storage yards, and utility connections.

c. Access & Safety: Verified route designs for Fire/EMS access, including turning radii and weight capacities for emergency vehicles.

d. Vicinity Map: A map extending one-quarter mile from the site, showing topography (2-foot contours), parcel IDs, current zoning, and all existing structures.

2. Comprehensive Impact Evaluation - The applicant must provide an expert-led study. To ensure neutrality, the applicant will also fund an independent expert review managed directly by the County. The study will evaluate the project's net impact on county resources, including:

a. Public Safety: Impact on emergency response times, EMT and law enforcement staffing, specialized training required for local Fire/EMS and site security.
b. Utility Infrastructure: Burden on water supply, sewage treatment capacity, and solid waste disposal systems.
c. Community Impact: Analysis of impact on local housing and living needs during and after construction.
d. Fiscal Health: Projected municipal revenue (property taxes, utility fees) weighed against county expenses, including any impacts on the school corporation's budget or facilities.
e. Environmental & Nuisance Mitigation - A technical analysis must be submitted identifying potential environmental externalities and the specific engineering measures used to mitigate them:
    i. Atmospheric & Visual: Odor, smoke, dust, and light glare.
    ii. Physical: Sound, vibration, electrical interference (EMI/RFI), and the Heat Island Effect.
    iii. Resource Waste: Strategies for the management of wastewater, stormwater, and electronic waste (e-waste).

3. Transportation Impact and Construction Management
    a. Pursuant to IC 36-9-2-7 (Regulation of Public Ways) and IC 9-21-1-2 (Authority to Adopt Additional Traffic Regulations), the Franklin County Area Plan Commission (APC) hereby establishes the following standards to ensure the safety, efficiency, and structural integrity of the County's transportation network.
    b. Traffic Impact Analysis (TIA): a TIA, certified by a Professional Engineer licensed in Indiana, is required for any project with a footprint exceeding 40,000 square feet or exceeding 10 acres. The TIA must include:
        i. Level of Service (LOS) Analysis: A demonstration that all affected intersections will maintain a minimum LOS C. If the project causes a drop below LOS C, the developer must fund and install necessary mitigations (e.g., turn lanes, signals) prior to the issuance of a Certificate of Occupancy.
        ii. Internal Stacking: Engineered proof that security gates provide sufficient on-site queuing to prevent vehicle backups onto public rights-of-way.
    c. Phased Development and Construction Sequencing: To mitigate "surges" from heavy machinery and contractor crews, the developer shall submit a Construction Sequencing Plan (CSP) as part of the TIA:
        i. For large-scale campuses, the Board may require development to be divided into distinct phases (e.g., Building 1, then Building 2).
        ii. No building permit for a subsequent phase shall be issued until all traffic mitigations and road reinforcements required for the previous phase are completed and inspected.
        iii. Surge Management: The CSP must demonstrate staggered trade arrivals (e.g., concrete vs. electrical) to avoid traffic peaks that coincide with local school bus routes or agricultural harvest seasons.

   d. Road Integrity and Maintenance
      i. The TIA must identify specific ingress/egress routes. Use of non-designated residential or weight-restricted roads is prohibited.
      ii. Mid-Phase Inspection: For phased projects, the County may require an inspection between phases. Significant pavement degradation must be remediated by the developer before the next phase begins.
      iii. Road Use Agreement: The County shall require a formal Road Use Agreement and a performance bond to ensure the restoration of any County Road damaged during construction.
4. Utility Demand Disclosure
   a. Peak Electrical Demand: Total projected megawatts (MW).
   b. Peak Water Usage: Total projected gallons-per-day (GPD).
   c. Disposal Compliance: Certified evidence that all hazardous and non-hazardous material disposal complies with IDEM & Federal EPA regulations.
5. Environmental & Performance Studies
   a. Shadow Study: A Shadow Study shall provide a high-fidelity solar analysis proving zero shadow encroachment onto adjacent agricultural uses between the hours of 9:00 AM and 3:00 PM; this analysis must include modeled data for the Winter Solstice and both the Vernal (March) and Autumnal (September) Equinoxes to ensure protection during the primary Indiana planting and harvest seasons.
   b. Buffer Design: A detailed cross-section of the 100-foot-wide landscape buffer within the setback, featuring the 6-foot earthen berm and double-staggered evergreen row.
6. Thermal Impact Study Requirements
   a. A Thermal Impact Study shall include a professional engineering analysis of the projected Ambient Temperature Delta at all property boundaries and provide certified design specifications proving a Vertical Discharge configuration for all cooling exhaust to prevent lateral heat loading onto adjacent agricultural and residential parcels.
7. Noise Modeling and Acoustic Analysis Requirements
   a. The Applicant shall submit a certified acoustic analysis prepared by a licensed engineer or board-certified member of the Institute of Noise Control Engineering (NCE).
   b. The Applicant shall utilize three-dimensional computer modeling software (such as SoundPLAN, CadnaA, or equivalent) that adheres to ISO 9613-2 (Acoustics - Attenuation of sound during propagation outdoors).
   c. The model must account for:
      i. Topography: Local terrain, including elevation changes between the source and receivers.
      ii. Atmospheric Conditions: Neutral to favorable sound propagation conditions (e.g., downwind or temperature inversion).
      iii. Ground Absorption: Realistic ground factors (G-factors) for the specific site (e.g., pavement vs. open field).
   d. Source Data and Frequency Analysis

i. Octave Band Data: Modeling must be based on the specific sound power levels of all mechanical equipment (fans, chillers, generators, transformers), provided in full octave bands from 31.5 Hz to 8,000 Hz.
ii. Broadband Conversions: The study must calculate and report projected levels in both dBA and dBC at all property lines.
iii. Maximum Load: Calculations must assume the facility is operating at 100% cooling and power capacity (worst-case scenario).

e. Elevated Source Analysis
i. The model must specifically demonstrate that noise emanating from elevated sources (such as rooftop chillers or exhaust fans) will not "drop" or propagate onto adjacent residential properties at levels exceeding the ordinance limits.

f. Content of the Report - The certified report shall include, at a minimum:
i. Noise Contours: A map showing color-coded noise contours (isopleths) extending to all adjacent property lines and the nearest sensitive receptors (dwellings, schools, or churches).
ii. Ambient Baseline: A 48-hour pre-development ambient sound survey to establish existing background noise levels.
iii. Tonal Analysis: A statement certifying that the proposed equipment, as mitigated, will not produce a Prominent Discrete Tone at the property line.
iv. Resonance Review: An assessment of potential low-frequency resonance impacts on nearby structures.

g. Mitigation Plan
i. If the modeling indicates a potential exceedance of the limits in the Broadband Noise Performance Standards Table, the Applicant must provide a detailed mitigation plan, which may include:
a. Acoustical shrouds or silencers on exhaust fans.
b. Sound-dampening perimeter walls or berms.
ii. Peer Review: The County reserves the right to retain an independent third-party acoustical consultant to review the Applicant's Noise Modeling and Acoustic Analysis. All costs associated with this peer review shall be paid by the Applicant.

8. NGE Setback Exception (Optional)
a. If an applicant requests to site NGE within the 500-foot setback, the required certified acoustic analysis must include a high-fidelity sound propagation map showing mitigation effectiveness (e.g., sound walls, STC-rated enclosures).

G) Final Development Plan - After Preliminary Plan approval and a secondary review by an independent expert in coordination with the Technical Advisory Committee (TAC), the applicant shall submit a petition for Final Development Plan approval. The deliverables are:
1. Development Plan as specified in 80.12.05, and including any changes or additions from the preliminary plan in the site plan or utility layout.
2. Project Lifecycle & Benefits Agreements
a. The Project Lifecycle Agreement and the Community Benefit Agreement are finalized and shall be signed by the Commissioners within a set timeframe prior to start of construction.

3. Utility Service Commitments
    a. Letter of Availability (LOA): Prior to site plan approval, the applicant must provide a Letter of Availability from the applicable water utility providers.
    b. A Will-Serve letter stating that the electric utility has the intent and the physical capability to provide the required amount of power for the project.
    c. Water Permitting: A valid water consumption permit from the Indiana Department of Natural Resources, as required under state law, or a written determination from the DNR that such a permit is not required.
4. Emergency Response Plan (ERP)
    a. The applicant must submit a comprehensive Emergency Response Plan to the Franklin County Emergency Management Agency (EMA) and the local Fire Department of jurisdiction.

H) Improvement Location Permit (ILP)
1. The Applicant shall provide proof of application or approval for all applicable County, State and Federal permits or contracts.

I) Post-Construction
1. Upon structural completion and passing of all life-safety inspections, the Executive Director may issue a Temporary Certificate of Occupancy (TCO) granted solely to allow for "Commissioning and Load Testing."
    a. The Temporary Certificate of Occupancy (TCO) shall automatically expire after 180 days.
    b. During this phase, the facility is authorized to energize equipment to reach Full Operational Load to facilitate the audits required in this section.
    c. If the Final CO is not granted due to non-compliance, the facility must immediately de-energize all NGE until remediation is verified.
2. Within 180 days of TCO issuance, the Applicant shall submit the following verified audits:
    a. Post-Construction Noise Audit
        i. Must be conducted by a third-party acoustical engineer (not the firm used for pre-construction modeling).
        ii. Measurements must be taken at the original property line locations used in the initial analysis during both Daytime (7 AM–10 PM) and Nighttime (10 PM–7 AM) hours.
        iii. Using a Type 1 Sound Level Meter, data must include dB(A), dB(C), and a specific check for Prominent Discrete Tones.
    b. Post-Construction Thermal Discharge Measurement
        i. Reference Height: All measurements shall be taken at ten (10) feet above ground level at the property boundary to assess impacts on crops, livestock, and residents.
        ii. Baseline: Comparison must be made against a "Control Sensor" located upwind and unaffected by facility exhaust.
3. Within thirty (30) days of structural completion, and prior to the request for a Final CO, the Applicant shall deliver a comprehensive as-built site map to the Executive Director and all emergency service providers within the project jurisdiction. The map must include:
    a. Emergency shut-offs and high-voltage infrastructure.

   b. Chemical/fuel storage locations.
   c. Exact locations of all cooling exhaust points and "Smart" monitoring sensors.
4. Issuance of Final Certificate of Occupancy (CO)
   a. The issuance of a Final Certificate of Occupancy (CO) is strictly contingent upon the facility demonstrating full compliance with all technical performance standards under Full Operational Load, as evidenced by the audits in this Section.
5. A Final CO will not be issued until all "Remediation Plans" (if required) are completed and a follow-up audit confirms compliance. This does not alleviate the obligation to comply with all other applicable state and local fire laws and regulations.
6. Non-Compliance and Remediation
   a. If any audit shows the facility exceeds Broadband Noise, Prominent Discrete Tone, or Thermal standards:
      i. Violation: The operator shall be deemed in violation of this Ordinance.
      ii. Remediation Plan: The operator has thirty (30) days to submit a plan detailing additional sound-dampening or equipment modifications (e.g., vertical discharge retrofits, expanded buffers, or active heat recovery).
      iii. Verification: A follow-up audit must be filed within thirty (30) days of remediation completion.
   b. Lack of remediation shall result in expiration of TCO.
7. Continuous "Smart" Monitoring & Ongoing Compliance
   a. To ensure permanent compliance beyond the initial CO, the developer shall maintain:
      i. Automated Sound Arrays: Permanent microphones with cellular uplinks shall consist of Type 1 (Class 1) Precision Acoustic Analyzers meeting ANSI S1.4 standards. These units must be equipped with all-weather protection and be capable of performing 1/3 octave band analysis in real-time."
      ii. Thermal Arrays: Four (4) NIST-traceable sensors (1 upwind control; 3 boundary exhaust points) to monitor the Ambient Temperature Delta.
   b. Monthly Compliance Reporting: The operator shall submit a Monthly Compliance Report to the Executive Director of the Franklin County Area Plan Department. This report shall include:
      i. Acoustic Data: Daily maximum and average dBA and dBC levels for both day and night periods.
      ii. Tonal Log: A log of any "Prominent Discrete Tones" detected via Narrow Band Analysis.
      iii. Thermal Correlation: Hourly logs of the Ambient Temperature Delta, demonstrating the cooling system's noise levels relative to external heat load and fan speed.
      iv. Maintenance Log: Documentation of all generator testing events, confirming they occurred within the permitted 9:00 AM to 5:00 PM window.

c. Monitoring equipment calibration shall be conducted as specified in 80.13.C) Technical Definitions and Reference Standards.
d. The County reserves the right to require an additional audit at the owner's expense if a substantiated noise or heat complaint is filed.

J) Enforcement and Civil Penalties
1. Compliance with all standards set forth in this Ordinance is a continuous obligation of the property owner and facility operator. Violations are categorized by severity and shall be enforced through civil penalties, stop-work orders, or permit revocation.
2. Violation Classification and Penalties:
   a. Per-Day Violations: Pursuant to IC 36-1-3-8, each day an uncorrected violation remains constitutes a separate and distinct offense. Civil penalties shall accrue daily as established in Table 2.
   b. Revocation of Permits: If a Level 2 violation persists for more than fourteen (14) consecutive days, or if a "Common Nuisance" is declared under IC 36-7-4-1012, the Area Plan Commission (APC) may initiate a public hearing to formally revoke the facility's Improvement Location Permit and Certificate of Occupancy.
   c. Level 3 (Critical) Cease and Desist: The Executive Director is authorized to issue an immediate Cease and Desist Order for any non-compliant system posing a risk to public health or safety. This includes mandatory shutdown of cooling arrays, generators, or the entire facility until the risk is remediated.
3. Legal Remedies & Liens: Pursuant to IC 36-1-6 and IC 36-7-4-1014, the County may seek court-ordered injunctions to enforce these standards. The respondent shall bear all costs of the action, including reasonable attorney fees, and the County may place a lien against the property for unpaid penalties.

Class	Violation Type	Examples	Civil Penalty/Action
Level 1	Administrative	Failure to submit monthly noise/thermal logs or quarterly utility usage reports.	$500 per day
Level 2	Operational	Noise levels exceeding dB limits; thermal "heat blast" drift at boundaries.	$2,500 (1st day) $7,500 (each day thereafter)
Level 3	Critical/Safety	NFPA 855 non-compliance; fire suppression failure; unauthorized aquifer draw.	Immediate Cease & Desist plus $7,500 per day

Table 2. Violation Classification Levels and Civil Penalties

K) DATA CENTER APPLICATION CHECKLIST
Date:
Project Name:
Applicant Name/Title:
Application Fees:

APC Preliminary Plan Approval
- ☐ Technical Advisory Committee Review
- ☐ Project Summary
- ☐ Water Conservation Plan
- ☐ Hydrogeologic Report-if required
- ☐ Comprehensive Impact Evaluation
- ☐ Traffic Impact Analysis (TIA)
- ☐ Utility Demand Disclosure
- ☐ Solar Shadow Study
- ☐ Berm Design
- ☐ Thermal Impact Study
- ☐ Pre-Development Sound Model

APC Final Development Plan Approval
- ☐ Technical Advisory Committee Review
- ☐ Final Development Plan
- ☐ Drainage and Erosion Control Plan
- ☐ Wastewater Monitoring and Discharge Plan
- ☐ Closed-Loop System Certification
- ☐ NGE Anti-Vibration Certification
- ☐ Utility Service Commitments
- ☐ Emergency Response Plan
- ☐ NFPA 855 / UL 9540 Compliance-BESS

Area Plan Office Improvement Location Permit
- ☐ Rapid Response Water Escrow – if required
- ☐ Mandatory Insurance Coverage
- ☐ Project Lifecycle and Benefits Agreements

Area Plan Office Certificate of Occupancy Requirements
- ☐ As-Built Drawings
- ☐ Post-Construction Sound Survey
- ☐ Thermal Impact Compliance Report
- ☐ “Smart" Array Installation: microphones and thermal sensors

Utility/State/Federal Requirements (for reference only)
- ☐ EPA Spill Prevention, Control, and Countermeasure (SPCC) plan
- ☐ Utility Interconnection Agreement
- ☐ Indiana Utility Regulatory Commission (IURC), Electric Service Agreement (ESA)
- ☐ Indiana Dept. of Homeland Security (IDHS), Construction Design Release (CDR)
- ☐ Indiana Dept. of Emergency Mgt (IDEM), Construction Stormwater General Permit (CSGP)

80.13.H Data Center Definitions
For purposes of this code, certain terms and definitions apply to section 80.06.09, Data Center Regulations as follows:

A) System Definitions

1. Battery Energy Storage System (BESS): A dedicated area of the campus containing one or more structures or containers used for the storage of electrical energy. This includes the batteries, cooling systems for the batteries, inverters, and transformers. This system is distinct from "Backup Generators" as it is designed for energy management during both normal and peak operational hours.
2. Buffer Yard Composition: The 100-foot landscape buffer shall consist of a minimum of three (3) layers of vegetation:
    a. The Evergreen Core: A double-staggered row of evergreens (min. 6-8 feet at planting) placed atop the 6-foot earthen berm to provide immediate year-round screening.
    b. The Understory Layer: A mix of native flowering shrubs (e.g., Ninebark, Serviceberry) to fill gaps between evergreen trunks.
    c. The Canopy Overlay: A 25% mix of native hardwoods (e.g., Sugar Maple, White Oak) with a minimum of 2.5-inch trunk diameter, to provide varying heights and long-term structural integrity.
3. Data Center: A building that houses hundreds or thousands of computer servers used to store and move internet data. It includes the equipment to keep those computers running, like powerful air conditioners, backup power generators, and water systems to keep the machines cool.
4. Data Center Ancillary Uses: Extra buildings or structures on the same property that support the main data center. This includes security offices, water treatment sheds, cooling towers, battery energy storage, and backup generators used only during power outages.
5. Data Center Electrical Substation: A high-powered electrical station on or next to the property that takes high-voltage electricity from the grid and "steps it down" into a lower voltage the data center can actually use. It is built specifically to serve the data center's massive power needs.
6. Equipment Pad: An outdoor, reinforced horizontal surface (typically concrete or compacted aggregate) designed to support heavy machinery essential to the facility, including but not limited to cooling chillers, backup generators, and energy storage units. For the purpose of lot coverage, the entire surface of the pad is considered an impervious surface.
7. Gross Floor Area: The total square footage of all floor space within the data center building shell, including the IT Equipment Area (White Space), Infrastructure Support Area (Gray Space), and Ancillary Space (offices, storage).
8. Noise-Generating Equipment (NGE): Any mechanical device, including but not limited to HVAC units, backup generators, cooling towers, and industrial compressors, that produces sound during operation.
9. Primary Structure (Data Center): The principal building or cluster of buildings on a lot primarily used for the housing of networked computer systems and data processing equipment. For the purposes of this Ordinance, the Primary Structure shall include:

a. Attached Infrastructure: Any cooling towers, chillers, ventilation stacks, or rooftop mechanical equipment physically attached to the building.
b. Structural Integrity: The height of the Primary Structure shall be measured from the average grade to the highest point of the structure, including all attached mechanical equipment and screening walls (penthouses).
c. Integrated Power: Any internal or attached electrical rooms or backup power systems housed within the main building envelope.

A) Related Terminology

1. Applicant: The term "Applicant" when used in connection with or in respect of a project shall mean the person(s) and/or entity(s) which is/are the developer and/or owner of the project which prepares and files the initial application to the applicable approval body, and the term shall include all successors and assigns of the initial Applicant. The term "Applicant" shall not include any person or entity which signs the application solely in the capacity as an Owner of an interest in real property on which a project shall be located. When used in this Ordinance to affix liability or for a binding agreement or obligation, the Applicant shall include the Owner or Operator of the project that intends to be legally liable or so bound.
2. Franklin County Zoning Code: Area Zoning Code of Franklin County, Indiana
3. Community Benefit Agreement (CBA): A legally binding contract between the developer and the Franklin County Commissioners. It ensures that the facility contributes to the county's long-term prosperity, specifically addressing the strain a large data center puts on local electricity, emergency services, and the workforce. Financial payments made pursuant to a CBA are classified as independent economic development payments, distinct from real or personal property tax levies, and shall be deposited directly into the County General Fund or a designated non-TIF community benefit fund. These payments are not subject to Tax Increment Finance (TIF) allocation or capture.
4. Construction Design Release (CDR): The formal document issued by the Indiana Department of Homeland Security (IDHS) signifying that a project's construction plans, specifications, and engineering data have been reviewed and found to be in compliance with all applicable State Building and Fire Safety Codes.
5. Construction Stormwater General Permit (CSGP): A permit issued by the Indiana Department of Environmental Management (IDEM) that regulates stormwater run-off associated with construction activities. It requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize soil erosion and the discharge of sediment into water bodies.
6. County: Franklin County, Indiana.
7. Emergency Response Plan: A plan developed by the Data Center owner/operator in collaboration with local fire officials and Franklin County Emergency Management Agency to enable the Fire Department and Emergency Medical Services to respond effectively to an emergency event such as fire or life-threatening event at the site.
8. Executive Director: The Executive Director of the Area Plan Commission.
9. Financial Assurance: Financial assurance means cash escrow with the County.
10. Full Operational Load: The maximum amount of electricity and cooling a data center is legally permitted to use when the building is finished and every single server is plugged in and running at 100% power.

11. Independent Expert: An individual approved by the Executive Director who holds a professional engineering license or a recognized Subject Matter Expert (SME) certification in a relevant field.
12. Letter of Availability (LOA): A formal document issued by a utility provider confirming that their system has the current capacity and infrastructure to provide the specific volume of water and sewage services required for a proposed development.
13. Life Safety Inspection: A comprehensive on-site evaluation performed by the local Fire Marshal or Building Inspector—to verify that a structure's design, construction, and operational features comply with the Indiana Fire Code (675 IAC 22) and Indiana Building Code (675 IAC 13). The primary objective is to ensure the safeguarding of life and property from the hazards of fire, explosion, smoke, or panic during an emergency.
14. Operator: The entity responsible for the day-to-day operation or maintenance of the Data Center, including any third-party subcontractors.
15. Owner: The entity or entities with an equity interest in the Data Center, including their respective successors and assigns. Owner does not mean (i) the property owner from whom the land is leased for locating the site (unless the property owner has an equity interest in the project); or (ii) any person holding a security interest in the project solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the project within one year of such event.
16. Road Use and Maintenance Plan: A Plan approved by the County Commissioners including a form of financial assurance acceptable to the County Commissioners for the repair or replacement of all damaged roads, bridges, signage, or other transportation structures during construction, maintenance, and operation.
17. Transportation - Level of Service (LOS): A qualitative measure (A-F) used by INDOT describing operational conditions within a traffic stream, based on speed and travel time, freedom to maneuver, and traffic interruptions.
18. Transportation - Peak-Hour Trips: The total number of vehicle trips entering and exiting a site during the single hour of highest traffic volume on the adjacent street.
19. Transportation - Heavy Haul Route: A specific path designated for vehicles exceeding standard weight or size limits, designed to protect sensitive bridges and local pavement.
20. Transportation - Stacking/Queuing: The space required for vehicles to wait in line (e.g., at a security gate) without impeding the flow of traffic on a public road.
21. TAC: The Technical Advisory Committee established by the Franklin County Area Plan Commission, whose purpose is to advise the Executive Director, the Plan Commission, and the Design Review Committee in matters related to amendments to serve the interests of Franklin County, it's citizens or developers.
22. Water Conservation Plan: A technical roadmap to ensure water is accounted for, reused, or managed responsibly, including internal water recycling, closed loop cycles, stormwater harvesting and non-potable use, and leak detection protocols.
23. Will Serve: A letter from the electric utility provider confirming that the utility has the current or planned capacity to serve the facility's maximum projected load without negatively impacting service to existing customers.

C) Technical Definitions & Reference Standards

1. Ambient Temperature:
    a. True Ambient Temperature: The air temperature as measured by a NIST-traceable Control Sensor located upwind of the facility and situated to be unaffected by facility exhaust, surface heat reflection, or "Heat Island" effects.
    b. Ambient Temperature Delta (ΔT): The real-time difference in temperature between the True Ambient Temperature and the temperature measured at the facility's property boundary.
5. BUG (Backlight, Uplight, and Glare) Rating: A lighting classification system developed by the Illuminating Engineering Society (IES) and the International Dark-Sky Association (IDA) contained within the TM-15-11 standard. It provides a numerical value (0–5) to represent the amount of light escaping from a luminaire in three specific directions:
    a. Backlight: Light directed behind the fixture (preventing trespass);
    b. Uplight: Light directed into the sky (preventing sky glow);
    c. Glare: Light directed at high angles (preventing visual discomfort).
6. Conductivity: A measure of the ability of water to pass an electrical current, expressed in microsiemens per centimeter. In the context of data center cooling systems, conductivity serves as an indirect measure of the concentration of Total Dissolved Solids (TDS), including minerals, salts, and metals. High conductivity levels indicate a high concentration of minerals that necessitate "blowdown" (the discharge of water from the system) and the subsequent intake of "makeup" water from the local aquifer or utility
7. dBA (A-Weighting): Filters sound to mimic the human ear. It is the industry standard for "loudness.
8. dBC (C-Weighting): A "flatter" scale that includes low-frequency bass.
9. Decibel (dB): A unit used to measure the intensity of a sound by comparing it to a given reference level. It is a logarithmic unit, meaning it measures the ratio between two values of power or pressure.
10. Equivalent Continuous Sound Level: (L_{eq} – 1 hr), means the noise is being measured as an average over a one-hour period. Instead of looking at a single "spike" of noise (like a car horn), the (L_{eq} – 1 hr) smooths out the highs and lows to give you a single decibel number that represents the total sound energy heard during that hour.
11. Full Cutoff (Luminaire): A technical classification for a luminaire where zero candela (intensity) occurs at or above an angle of 90° above the nadir (horizontal), and no more than 10% of the total light output occurs at an angle of 80° above the nadir. This classification is the digital equivalent of a U0 (Uplight-Zero) rating.
12. Heat Blast: A concentrated wave of hot air that a data center's cooling fans blow out of the building to keep the servers from overheating.
13. Heat Island: An area of developed land that demonstrates significantly higher atmospheric and surface temperatures compared to surrounding rural or undeveloped areas, primarily due to the concentration of heat-absorbing materials (such as concrete, asphalt, and dark roofing) and the operation of heat-generating equipment.
14. Low-Frequency Assessment: Specifically refers to Annex D, Section D.1 of the ANSI S12.9-2005/Part 4 (reaffirmed 2020) standard. This annex establishes the "screening"

criteria where a difference of 20 dB or more between C-weighted (L_{pC}) and A-weighted (L_{pA}) levels indicates a significant low-frequency noise component.

15. LRV (Light Reflectance Value): A universal scale used by architects, designers, and environmental planners to measure the percentage of visible and usable light that is reflected from a surface when illuminated by a light source.
16. NIST: National Institute of Standards and Technology. It is a non-regulatory agency of the U.S. Department of Commerce that serves as the nation's "measuring stick."
17. Prominent Discrete Tone (Tonal Noise): A sound that is concentrated in a narrow frequency range, perceived as a hum, whine, or buzz. For the purposes of this ordinance, this is defined by ANSI S12.9-2021/Part 4, Annex C, using 1/3 octave band analysis.
18. Type 1 Sound Level Meter Calibration:
    a. Precision Standards: All noise monitoring shall be conducted using a "Type 1" (Precision) grade sound level meter meeting the requirements of ANSI S1.4.
    b. Initial Certification: The operator must maintain documentation proving the device was calibrated against a national standard within twelve (12) months prior to installation.
    c. Ongoing Calibration:
        i. Field Calibration: The operator shall perform a field calibration check using an acoustic calibrator before and after any manual measurement period, or at least quarterly for automated systems.
        ii. Annual Recertification: The meter and microphone must undergo full laboratory recalibration and certification annually. Records of these calibrations must be made available to the County upon request.
19. Thermal Sensor Calibration:
    a. NIST Traceability: All thermal sensors used in monitoring arrays must be NIST-traceable (National Institute of Standards and Technology).
    b. Initial Certification: The operator must maintain documentation proving that all sensors were calibrated against NIST-traceable standards before installation.
    c. Ongoing Calibration and Maintenance:
        i. Recalibration Schedule: Sensors must be recalibrated or replaced according to the manufacturer’s recommended schedule, but no less than once every twenty-four (24) months, to ensure continued accuracy.
        ii. Drift Verification: The operator shall maintain a log of periodic "drift checks" to ensure sensors remain within the specified tolerance. Any sensor found to be out of calibration must be replaced or serviced within forty-eight (48) hours of discovery.
20. Zone of Influence: The area surrounding a pumping well where the water table has been lowered due to withdrawal (the "cone of depression").