

PUBLIC DISCLOSURE & REVIEW COVER SHEET

Franklin County Area Plan Commission (FCAP)

DOCUMENT TITLE:

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

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This document is a working draft prepared for the Franklin County Area Plan Commission. It is part of a deliberative process and has not been adopted as an ordinance. This draft is subject to further revision, amendment, or rejection by the Plan Commission or the Board of Commissioners. It does not carry the force of law and should not be relied upon for any business, legal, or construction decisions.

Revision History:

Version	Date	Summary of Change	Status
v. 1.0	2/17/26	Original Release	Public
v. 2.0	3/03/26	Second Release	Public
v. 3.0	3/30/26	See Below	Public

Preamble	Added legislative intent
B) 1.- 2.	Added new section “Application and Administrative Fees” to meet HB 1001.
C)	Clarified existing residences in industrial district, removed NGE design, removed thermal design, clarified buffer yard language. Roof height 75’
D)	Added ground borne vibration, EMI/RFI, simplified rooftop requirements. Removed BESS siting requirements.
E) 2.	Added “Resource Conservation Measures” per HB 1001.
E) 3.	Added “within the service area” to water utility connection.
F) 2.	Amended to make a CBA voluntary per Indiana law.
G) 2.	Reorganized to add “Community Impact Evaluation” from an earlier version. Revised to include HB 1002 (revenue sharing) and reorganized section.
G) 7.	Simplified the Noise Model.
G) 8.	Added EMI/RFI Impact Study.
G) 9.	Added Thermal Study.
J) 2.b and 2.d	Added post construction audit requirements for ground-borne vibration, lighting & glare and EMI/RFI.
J) 7.	Removed smart monitoring and reporting - move specifics to a CBA.
K)	Removed legal language on enforcement compliance-add to contract.
L)	Updated checklist to include each step to ensure timely approval.
80.13.H 2	Added definitions for new terms introduced by recent legislation and EMI Changed “Developer” to “Applicant”

**SECTION 80.06.09
DATA CENTER REGULATIONS**

Franklin County Data Center Zoning Ordinance: Legislative Intent and Findings of Facts

WHEREAS, Indiana Code § 36-7-4-601 grants the Franklin County Board of Commissioners the authority to adopt zoning ordinances for the purpose of securing adequate light, air, and safety from fire, flood, and other dangers; and

WHEREAS, the Board finds that Data Centers, as high-impact industrial uses, present unique challenges to public health, safety, and welfare due to extraordinary electrical demands, high-volume water consumption from local aquifers, and technical externalities such as noise, vibration, and electromagnetic interference; and

WHEREAS, it is the policy of Franklin County to protect the integrity of its water, sewage, and housing infrastructure, ensuring that industrial-scale utility users do not adversely impact the reliability or capacity of existing residential and agricultural customers; and

WHEREAS, the Franklin County Area Plan Commission has determined that a Community Impact Evaluation is a necessary prerequisite to ensure that high-impact developments do not degrade emergency response times or deplete public safety resources without adequate mitigation and specialized training; and

WHEREAS, this Ordinance is prepared with reasonable regard to the current character of the districts and the most desirable use for which the land is adapted, ensuring that new industrial growth preserves the County's agricultural heritage; and

WHEREAS, the Indiana General Assembly, through HEA 1210 (2026), has established a mandatory 1% Local Revenue Share mechanism for host communities to receive a portion of state sales tax savings realized by Data Center developments; and

WHEREAS, it is the intent of the Franklin County Commissioners to mandate such 1% Local Revenue Share payments to ensure a net-positive fiscal impact and to mitigate the long-term infrastructure and public service burdens created by these facilities;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Franklin County, Indiana, that the Franklin County Code is hereby amended to include the following standards and requirements for Data Center Developments:

A) Regulations

1. Permitted Use: Data Centers are permitted as a Class 3 Conditional Use in the I-1 (Enclosed 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) Application and Administrative Fees

1. In accordance with IC 36-1-3-8 and IC 36-7-4-411, all fees for Data Center applications shall be strictly limited to the recovery of actual administrative, technical, and legal costs. No portion of the application fee shall be used for general county revenue.
2. To protect public health, safety, and county property, the Executive Director shall require an independent consultant to perform expert technical review of the project. The appointed consultant shall be involved throughout the entire project lifecycle, including the Preliminary and Final Development Plan stages, construction and inspection phase.

C) 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. Existing Residential Protections within an Industrial District
 - a. Notwithstanding the underlying zoning, any adjoining property containing a legally established residential dwelling that is existing and occupied prior to the date of the Data Center's application shall be afforded the protections of a residential district.
 - b. This protection does not extend to vacant lots, speculative residential zoning without an existing dwelling, or dwellings established after the Data Center's application date.
3. Establishment of Compliance Baseline
 - a. The specific residential protection standards (including noise limits, setbacks, and buffers) shall be determined solely by the land uses existing at the time of the Data Center's Development Plan Approval.
 - b. Any residential dwelling or residential rezoning established after the Data Center's Development Plan Approval shall not retroactively impose new or stricter performance standards, setbacks, or mitigation requirements on the Data Center. The Data Center's compliance shall be measured against the land-use "baseline" established at the time of its initial approval.
4. Buffer Yard Requirements
 - a. Standard Buffer Yard: A buffer yard 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:

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- 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.
 - iii. An earthen berm may be required.
 - b. Industrial Boundary Exemption: No earthen berm or specific landscape buffer yard is required along property lines shared with an existing 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.
 - 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.
- 5. Building Height Requirements
 - a. The primary structure, including all rooftop parapets, screens, and mechanical equipment, shall not exceed 75 feet.
 - b. Primary structures shall be set back from any adjacent Agricultural District at a distance sufficient to prevent shadowing on adjoining properties.

D) Design and Installation Standards

1. Comprehensive Acoustic Performance Standard

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

- 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.
 - iv. 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

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- b. All fuel storage tanks must be double-walled or located within a secondary containment area capable of holding 110% of the tank's volume.

E) 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/coolant loss immediately.

2. Cooling Technology Standards-Resource Conservation Measures

- 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 the service area 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. Wastewater and Discharge Management

- a. The facility must implement real-time monitoring of discharge water for conductivity, pH, and temperature.
- b. 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. 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.

5. 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.
- b. 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.
- c. 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.

- d. 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.
- e. Inventory of Impacted Wells: The report must identify all Non-Participating Private Wells (domestic, livestock, or agricultural) located within the ZOI.
- 6. Mitigation and Strict Liability (Well-Based Projects Only)
 - a. The Applicant shall be strictly liable for the restoration of any domestic or agricultural well within the ZOI found to be impacted by facility operations.
 - b. An Applicant 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.
- F) 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 Applicant 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 Applicant 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 Applicant'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

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- 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.
2. Voluntary Community Benefit Agreements (CBA)
- a. Applicants are encouraged, but not required, to enter into a private Community Benefit Agreement (CBA) with a representative coalition of community stakeholders or the County. Such agreements may address "soft" community impacts that fall outside the scope of traditional zoning, including but not limited to:
 - i. Targeted local hiring and job training programs.
 - ii. Contributions to local education or emergency service capital funds.
 - iii. Enhanced sustainability or renewable energy targets beyond state requirements.
- G) Preliminary Plan - Technical Review: The Executive Director will hire an independent consultant 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. Buffer Design: A detailed cross-section of the 100-foot-wide landscape buffer within the setback, featuring a double-staggered evergreen row.
 - d. Access & Safety: Verified route designs for Fire/EMS access, including turning radii and weight capacities for emergency vehicles.
 - e. Vicinity Map: A map extending one-quarter mile from the site, showing topography, parcel IDs, current zoning, and all existing structures.
 - 2. Community Impact Evaluation
 - a. Impact on emergency response times, emergency medical and law enforcement staffing, specialized training required for local Fire/EMS and site security.
 - b. Burden on water supply, sewage treatment capacity, and solid waste disposal systems.
 - c. Analysis of impact on local housing and living needs during and after construction.
 - d. A technical analysis identifying potential environmental externalities and the specific engineering measures used to mitigate them:
 - i. Atmospheric & Visual: Odor, smoke, dust, heat, and light glare.
 - ii. Physical: Sound, vibration, glare, electrical interference (EMI/RFI).
 - iii. Resource Waste: Strategies for the management of wastewater, stormwater, and electronic waste (e-waste).

3. Fiscal Impact and Compliance
 - a. Fiscal Impact Analysis weighing projected municipal revenue against county expenses (including school corporation impacts).
 - b. Requirements Pursuant to IC 6-2.5-15, facilities seeking state sales tax exemptions must provide:
 - i. A fully executed agreement with the Franklin County Board of Commissioners establishing the mandatory 1% Revenue Share payment based on the data center's electricity sales tax savings.
 - ii. Transaction Award Certificate: A copy of the "Transaction Award Certificate" from the IEDC and a signed Memorandum of Agreement with the County Auditor.
4. Utility Demand Disclosure
 - a. Certified projections of Peak Demand (MW), Total Annual Consumption (MWh), and Peak/Average Daily Water Usage (GPD) including cooling technology specifications.
 - b. Documentation from utility providers confirming the load can be served without adversely impacting the reliability, capacity, or rates of existing residential and agricultural customers.
5. 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 Applicant 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 Applicant 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.

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- 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 Applicant 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.
6. Shadow Study:
 - a. 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
 - b. 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.
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. 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.
 - c. 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.
8. EMI/RFI Impact Study
 - a. The applicant shall demonstrate that the facility is designed and shielded to prevent Electromagnetic Interference (EMI) and Radio Frequency Interference (RFI) that exceeds Federal Communications Commission (FCC) standards at the property line.
 - b. The facility shall not interfere with any established public safety radio frequencies or local commercial broadcast signals."

9. Thermal Impact Analysis
 - a. The applicant shall submit a Thermal Impact Analysis prepared by a licensed professional engineer or qualified climatologist. This study must demonstrate that the external heat rejected from the facility's cooling infrastructure (including, but not limited to, cooling towers, dry coolers, or exhaust fans) will not result in a sustained increase in ambient air temperature of more than 5°F at any point along the property boundary.
 - b. The discharge must be directed or mitigated such that it does not negatively impact the health of adjacent vegetation, the efficiency of neighboring HVAC systems, or the general comfort of adjacent residential or agricultural zones.
- H) Final Development Plan - After Preliminary Plan approval and a secondary review by an independent consultant 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.
- I) Improvement Location Permit (ILP)
 1. The Applicant shall provide proof of application or approval for all applicable County, State and Federal permits or contracts.
- J) 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 operation until remediation is verified.
 2. Within 180 days of TCO issuance, the Applicant shall submit the following verified audits:

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- 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 Ground Vibration Audit
 - i. Conduct on-site testing to verify compliance with the 0.005 PPV limit.
- c. Post-Construction Lighting and Glare Audit
 - i. Submit a Post-Construction Lighting Report prepared by a lighting professional or engineer.
- d. Post-Construction EMI/RFI Audit
 - i. EMI/RFI Survey to verify that actual emissions do not exceed the levels predicted in the impact study.
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 noise 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, Ground Vibration, Lighting or EMI/RFI standards:
 - i. The operator shall be deemed in violation of this Ordinance.
 - ii. The operator has thirty (30) days to submit a plan detailing additional sound-dampening or equipment modifications.
 - iii. 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. Monitoring and Data Transparency
 - a. All Data Center facilities shall implement automated monitoring systems for noise (broadband and tonal) as defined in this ordinance.
 - b. At a minimum, such systems must record data at 15-minute intervals and maintain records for three (3) years, available to the APC upon request.

- c. The County and Applicant may enter into a Community Benefit Agreement to establish "Real-Time Smart Monitoring" protocols, which may include direct digital dashboards for County officials and the use of the 1% host fee to fund independent third-party data verification.

K) 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 3.
 - 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.

Class	Violation Type	Examples	Civil Penalty/Action
Level 1	Administrative	Failure to submit monthly noise logs or quarterly utility usage reports.	\$500 per day
Level 2	Operational	Noise levels exceeding dB limits; EMI/RFI levels out of range.	\$2,500 (1 st 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 3. Violation Classification Levels and Civil Penalties

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L) DATA CENTER APPLICATION CHECKLIST

1. Administrative & Fiscal (Initial Filing)
 - Application Fees: (Limited to actual cost recovery per IC 36-1-3-8).
 - Professional Services Escrow Account: (110% of estimated technical review costs).
2. APC Preliminary Plan Approval (The "Design" Phase)
 - Project Summary & Campus Layout: (GIS coordinates, building footprints, BESS, etc.)
 - Landscape Buffer & Berm Design: (100-foot buffer cross-section with 6-foot berm).
 - Vicinity Map: (1/4-mile radius with topography and parcel IDs).
 - Community Impact Analysis: (EMS training needs, and housing impact).
 - Fiscal Impact Analysis: (Revenue vs. County/School expenses).
 - Utility Demand Disclosure: (Peak/Average MW and GPD consumption).
 - Transaction Award Certificate: (Copy of IEDC state sales tax exemption certification).
 - Traffic Impact Analysis (TIA): (LOS C verification and internal stacking proof).
 - Solar Shadow Study: (Winter Solstice and Equinox modeling).
 - Pre-Development Acoustic Model: (Including dBA and dBC).
 - EMI/RFI Impact Study: (FCC Standards)
 - Thermal Impact Study: (Ambient temperature modeling)
3. APC Final Development Plan Approval (The "Technical" Phase)
 - Final Site Plan & Utility Layout: (Including any modifications from Preliminary phase).
 - Water Resource Plan: (Recycling, Net Zero Draw, Leak Detection).
 - Wastewater & Discharge Plan: (Monitoring for conductivity, pH, and temperature).
 - Lighting Plan & BUG Certification: (Full Cutoff, U0 rating, 3000K max color, and LRV < 40).
 - Fuel Storage Engineering: (Double-walled tanks and 110% secondary containment design).
 - Emergency Response Plan (ERP): (Verified by local Fire Department and EMA).
 - Utility "Will-Serve" Letters: (Final commitments for water and electric capacity).
4. Area Plan Office - Improvement Location Permit (ILP)
 - Construction Management Plan (Hours of operation, traffic control, dust)
 - Road Use and Repair Agreement (RUMA): (Signed by Commissioners).
 - Road Bond: (Financial surety for haul route damage).
 - Decommissioning & Site Restoration Bond: (Surety based on 5-year re-evaluation cycle).
 - Project Lifecycle Agreement (PLA): (Final executed contract with Commissioners).
 - Mandatory Insurance Certificates (COI): (CGL, Environmental/Pollution, and Cyber Liability).
5. Well-Based Projects Only (If Applicable)
 - Hydrogeologic Report: (MODFLOW 3D numerical modeling).
 - Delineation of Zone of Influence (ZOI): (1-foot drawdown contour map).
 - Inventory of Impacted Wells: (List of all domestic/ag wells within the ZOI).
 - Rapid Response Water Escrow: (Immediate funding for temporary potable water).
 - IDNR Water Well Permit: (Or written determination of non-applicability).
6. Certificate of Occupancy (CO) Requirements
 - As-Built Site Map: (Delivered to EMA and Fire with shut-off locations).
 - Post-Construction Noise Audit: (Verification of dBA/dBC and Tonal compliance).
 - Post-Construction Ground Vibration Audit: (Verification of 0.005 PPV limit).
 - Post-Construction Lighting & Glare Audit: (Verification of < 0.5 fc trespass).
 - Post-Construction EMI/RFI Audit: (Emissions Compliance)
 - Site Perimeter Monitoring: (Verification of microphones).

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) 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. **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).
7. **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. Any cooling towers, chillers, ventilation stacks, or rooftop mechanical equipment physically attached to the building.
 - b. 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. Any internal or attached electrical rooms or backup power systems housed within the main building envelope.

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B) 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 Applicant 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. Fiscal Health: A measure of a project's long-term economic impact on the County budget. A project is considered "Fiscally Healthy" if the projected annual revenues (including property taxes, utility fees, and 1% local revenue shares) exceed the total annual cost of the County services required to support the facility, such as emergency response staffing, road maintenance, and specialized Fire/EMS training.
11. 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.

12. Independent Consultant: 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.
 13. 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.
 14. 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.
 15. Operator: The entity responsible for the day-to-day operation or maintenance of the Data Center, including any third-party subcontractors.
 16. 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.
 17. 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.
 18. Transaction Award Certificate: A formal legal document issued by the Indiana Economic Development Corporation (IEDC) under IC 6-2.5-15; pursuant to HB 1210 (2026), this certificate may not be utilized by a "Qualified Data Center User" until a local agreement for the 1% Revenue Share has been fully executed with the Franklin County Board of Commissioners.
 19. 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.
 20. 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, its citizens or Applicants.
 21. 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. 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:

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- 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).
2. 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 intake of "makeup" water from the local aquifer or utility.
 3. dBA (A-Weighting): Filters sound to mimic the human ear. It is the industry standard for "loudness."
 4. dBC (C-Weighting): A "flatter" scale that includes low-frequency bass.
 5. 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.
 6. Electromagnetic Interference (EMI)/Radio Frequency Interference (RFI): A disturbance or "electronic noise" that affects an electrical circuit due to either electromagnetic induction or electromagnetic radiation from an external source.
 7. Equivalent Continuous Sound Level: ($L_{eq} - 1 \text{ hr}$), 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 ($L_{eq} - 1 \text{ hr}$) smooths out the highs and lows to give you a single decibel number that represents the total sound energy heard during that hour.
 8. 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.
 9. 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.
 10. 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.
 11. 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."
 12. 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.
 13. Zone of Influence: The area surrounding a pumping well where the water table has been lowered due to withdrawal (the "cone of depression").