

**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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**Revision History:**

<b>Version</b>	<b>Date</b>	<b>Summary of Change</b>	<b>Status</b>
v 1.0	2/17/26	Original Release	Public
v. 2.0	3/03/26	Second Release	Public
v. 3.0	3/30/26	Third Release	Public
v.4.0	6/22/26	Fourth Release	Public

C.1.a and C.4.a C.4.b C.4.d	Clarify setbacks and buffer yards Conditions for adding earthen berm requirements Add reference to fencing standard
D.1, G.7, J.7 D.1.a. ii D.4 D.6 D.7 D.8	Amended the sound standard Removed year from ANSI standard Added “neighboring users” Updated Fuel Storage Standard Added BESS standard Added backup generator standard
E.1 E.2 E.2.e E.3-6	Added cooling fluid discharge requirement. Updated to make future technologies acceptable if they meet the conservation requirements Prohibit dumping glycol in municipal water treatment plant Updated water utility connection-deleted private well section (obsolete)
F.1 F.1.g F.2.a	Added section on infrastructure costs Added officer liability for contract breach Deleted “a representative coalition of community stakeholders”
G.4 and 5 G.5.c G.8 G.9 G.11	Updated utility requirements Construction sequencing-changed “may” to “shall “and added “planting” Amened shadow study to restrict shadowing from structures and not trees Added “neighboring users” Added to include air quality analysis (backup generators)
H.5	Added to address electronic waste recycling
Definitions	Edited Data Center Ancillary Use, Primary Structure, Owner, TAC, Independent Consultant, Low Frequency Assessment and Prominent Discrete Tone. Defined WUE. Defined earthen berm

**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.
  - 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.
    - i. A minimum 100-foot-wide buffer yard shall be established within the required setbacks.

**SECTION 80.06.09  
DATA CENTER REGULATIONS**

- ii. A staggered multi-tier system to provide a year-round visual and acoustic screen.
  - b. Earthen Berm Requirements - An earthen berm shall be required as a primary sound and visual barrier under any of the following conditions:
    - i. The data center property line is within 500 feet of a Residential District or public right of way.
    - ii. The required Acoustic Analysis predicts a breach of the sound limits without passive mitigation.
  - 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 80.05.10 D.1.
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	65 dBA / 80 dBC
All Other	55 dBA / 70 dBC	50 dBA / 65 dBC

*Table 1- Noise Limits-A and C Weighted Bands*

- a. Compliance and Violations: A violation of this code shall be declared if any of the following conditions occur, measured at or beyond the property line:
  - i. Short-Term Fluctuations ( $L_{eq}$ ): The equivalent continuous sound level ( $L_{eq}$ ) exceeds the limits in Table 1 for more than two (2) consecutive rolling 10-minute intervals.
  - ii. Continuous Background Hum ( $L_{90}$ ): The statistical background sound level ( $L_{90}$ ) exceeds the limits in Table 1 when measured over any rolling 1-hour window.
  - iii. Low-Frequency Interior Rattle ( $L_{Ceq}$ ) – ( $L_{Aeq}$ ): The difference between simultaneous C-weighted and A-weighted rolling 1-hour averages is 15 dB or greater, evaluated per Annex D of ANSI/ASA S12.9/Part 4.
- b. Measurement and Enforcement Locations: Enforcement officials may measure sound levels at the property line or at any point on an adjacent property. Compliance is determined strictly by the highest sound level recorded; a compliant measurement at one location does not excuse a violation caught at any other valid measurement point.

- c. Tonal Correction: If a prominent discrete tone is present (defined as any 1/3 octave or narrow band exceeding the arithmetic average of the two adjacent bands by 5 dB or more), the maximum allowable limits in Table 1 shall be automatically reduced by 5 decibels for both dBA and dBC.
  - d. Operational Restrictions: Maintenance and testing of emergency power systems, backup generators, and associated cooling equipment is restricted to Monday through Friday, between 9:00 AM and 5:00 PM, excluding legal holidays..
2. Ground-Borne Vibration and Mechanical Isolation
- a. Ground-borne vibration from facility operations shall not exceed a Peak Particle Velocity (PPV) of 0.005 inches per second at or beyond the property boundary, measured in accordance with ANSI S2.71.
3. 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.
4. Electromagnetic Interference (EMI/RFI) Compliance
- a. All facilities shall be designed and operated in strict accordance with 47 CFR Part 15 (FCC Rules). The applicant shall provide a verified statement from a qualified engineer certifying that the facility's equipment and infrastructure will not cause "harmful interference" to authorized radio services or neighboring users.
5. Rooftop Regulations
- a. Any equipment located on a rooftop must be screened from public view.
6. Fuel Storage and Environmental Protection Standards
- a. To protect the county's groundwater resources, agricultural aquifers, and natural drainage systems, the installation of new Underground Storage Tanks for data center backup fuel supplies is strictly prohibited.
  - b. Permitted Tank Configurations: Fuel must be stored in either:
    - i. UL 2085 certified protected Aboveground Storage Tanks (ASTs); or
    - ii. UL 142 certified double-walled integrated generator sub-base ("belly") tanks.

**SECTION 80.06.09**  
**DATA CENTER REGULATIONS**

- c. All standalone ASTs must be fully screened from public view and adjacent residential or agricultural zones by a solid masonry wall or high-density vegetative buffer, matching the architectural design of the primary facility.
- d. Setbacks - The following horizontal setbacks shall represent the absolute minimum distances required for any fuel storage tank or fuel delivery infrastructure, regardless of standard setbacks allowed in the underlying industrial zone:
  - i. Residential and Civic Districts: 500 feet from any residential zoning district boundary, school, park, or civic structure.
  - ii. Agricultural and Environmentally Sensitive Areas: 300 feet from any agricultural zoning district boundary, mapped wetlands, blue-line streams, or open county drainage ditches.
  - iii. Public Wellfields and Water Sources: 1,500 feet from any public water supply wellfield, municipal water intake structure, or community wellhead protection area.
- e. Secondary Containment and Leak Detection -While federal EPA SPCC standards apply, the county requires the following physical site features to prevent localized contamination:
  - i. Overfill and Leak Monitoring: All tanks must be equipped with continuous electronic interstitial leak detection and automated high-level overfill alarms. Direct digital telemetry monitoring data must be accessible to the County Emergency Management Agency (EMA) upon request.
  - ii. Impervious Loading Pad: All fuel delivery ports and tanker truck unloading zones must be constructed on an engineering-certified, reinforced concrete pad treated with a fuel-resistant sealant. This pad must be sloped to a dedicated, closed-catchment sump capable of holding a minimum of 500 gallons to isolate any spills occurring during fuel transfers. This catchment must not connect to the standard stormwater infrastructure or local field tiles.
- f. Fuel Delivery Logistics and Traffic Control - To prevent heavy vehicle congestion on local rural roads during maintenance cycles or prolonged grid outages, the applicant must submit a Fuel Logistics Plan detailing:
  - i. Designated Truck Routing: A designated heavy vehicle route that utilizes state highways or designated county truck routes to access the facility, explicitly avoiding residential streets or weight-restricted rural roads.
  - ii. On-Site Staging: Provision for a minimum of two (2) off-street staging spaces for standard 8,500-gallon fuel tanker trucks within the secure perimeter of the facility, ensuring that delivery vehicles never queue or idle on public rights-of-way.
- g. Administrative Prerequisites for Permitting
  - i. An Indiana State Fire Marshal Design Release indicating mechanical and fire-code compliance.

- ii. A certified copy of the facility's federal EPA Spill Prevention, Control, and Countermeasure (SPCC) Plan, stamped by a Professional Engineer licensed in the State of Indiana.
  - iii. Proof of successful registration of all aboveground storage tanks with the Indiana Department of Environmental Management (IDEM) Office of Land Quality.
7. Battery Energy Storage Systems Standards
- a. Any Battery Energy Storage System associated with the Data Center shall be for accessory use only and 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.
8. Generator Enclosure, Emissions, and Operational Standards
- a. Acoustic Enclosure Mandate
    - i. All emergency backup generators must be housed within fully enclosed, sound-attenuated Level 3 acoustic structures. Open-air generator configurations or simple, unprotected sub-base "belly-tank" setups are strictly prohibited.
  - b. Environmental and Emission Tier Mandates
    - i. All stationary diesel-powered emergency backup generators shall be certified by the manufacturer to meet U.S. EPA Tier 4 Final emission standards. The installation, deployment, or operational use of Tier 2 or Tier 3 engines is strictly prohibited within the county, notwithstanding any federal exemptions or rollbacks for emergency-use equipment.
  - c. Routine Maintenance and Testing Windows
    - i. Routine generator maintenance, operational readiness testing, and cycling shall be strictly limited to Monday through Friday, between the hours of 10:00 AM and 4:00 PM to minimize localized noise, low-frequency vibration, and environmental impacts. Routine maintenance and testing are completely prohibited on weekends and federal holidays.
  - d. Automated Logging and Reporting
    - i. The facility operator shall install and maintain a continuous, automated digital logging system to record all generator runtimes, operational statuses, test dates, and run durations. These digital records shall be preserved for a minimum of three (3) years and shall be delivered to the County Zoning Administrator within forty-eight (48) hours of a formal written or electronic request.
  - e. Emergency Operation Exemption
    - i. The routine run-time constraints, testing hour limitations, and absolute property-line decibel limits established in this Section shall not apply during an active, documented regional grid failure event where the

**SECTION 80.06.09**  
**DATA CENTER REGULATIONS**

primary electric utility provider drops service to the facility. This exemption applies only for the duration of the emergency utility outage.

**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.
  - iii. Cooling Fluid Discharge: The applicant must submit a Fluid Management and Disposal Plan.

**2. Cooling Technology & Resource Conservation Standards**

- a. To safeguard the county's water resources, all new Data Centers shall utilize Water-Efficient Cooling Systems. These include, but are not limited to, Closed-Loop Systems, Air-Cooled Systems, Liquid Immersion Cooling, or equivalent emerging technologies that demonstrate a comparable or superior reduction in water intensity.
- b. Cooling infrastructure must be engineered to minimize or eliminate the continuous consumption of potable water. Systems that prioritize dry cooling or non-evaporative heat rejection are preferred.
- c. The use of "once-through" cooling or open-evaporative cooling towers—which result in significant water loss—is strictly prohibited.
- d. Alternate technologies not specifically listed may be permitted provided the applicant demonstrates, through certified engineering data, that the proposed system achieves a Water Usage Effectiveness (WUE) rating equal to or better than standard closed-loop benchmarks.
- e. The discharge of spent, recycled, or used glycol, chemical heat transfer fluids, or industrial inhibitors into the municipal wastewater treatment system or any public storm sewer is strictly prohibited. All closed-loop cooling fluids must be captured, characterized for hazardous waste markers (including heavy metals and corrosivity), and disposed of or recycled off-site by a licensed hazardous waste handler.

**3. Utility Connection and Water Source Standards**

- a. All new Data Center facilities shall connect to a public water utility system for all operational, cooling, and domestic water needs. The applicant shall be solely responsible for all costs associated with extending the utility infrastructure to the site.
- b. The drilling, installation, or operational use of new private water wells—including Significant Groundwater Withdrawal Facilities (SWWFs) as defined by the Indiana DNR—for the purpose of primary facility cooling or operational processes is strictly prohibited.

- c. Private wells may be permitted on-site solely for secondary, non-potable uses such as landscape irrigation, provided the well does not exceed a pumping capacity of 10,000 gallons per day and features an IDEM-approved backflow preventer to protect the public water system.
- 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.
- 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.

SECTION 80.06.09  
DATA CENTER REGULATIONS

- 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. Executive Attestation and Liability: The mandatory insurance coverages specified above must be backed by an unconditional guarantee from the ultimate parent holding company. The executive officers of said holding company must execute a personal attestation acknowledging that they assume direct, joint, and several liability for any financial shortfalls, un-demnified claims, or operational defaults resulting from a failure to maintain these policies.
  - h. If the Applicant, its successors or assignees (the Applicant), fails to comply with any aspects of the Environmental or Decommissioning/Restoration requirements contained herein, the liability to complete said requirements extends to the Applicant's Officers and Directors, collectively and individually.
  - i. Infrastructure Costs: In accordance with IC § 36-7-4-1313, the developer shall execute a binding written commitment to construct, dedicate, or fully fund all county-owned infrastructure necessitated by the development, including:
    - i. Road Reinforcement and Turn Lanes
    - ii. County Drainage Tiles and Stormwater Infrastructure
    - iii. Municipal Water/Sewer Extensions
2. Voluntary Community Benefit Agreements (CBA)
- a. Applicants are encouraged, but not required, to enter into a private Community Benefit Agreement (CBA) with the Franklin County Commissioners. 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 from the serving utilities for both initial operation and ultimate buildout;
    - i. Peak Demand (MW) Total Annual Consumption (MWh)
    - ii. Peak/Average Daily Water Usage (GPD) including cooling technology specifications.
  - b. Grid Stability Validation Report: A formal, multi-party report containing a completed Interconnection System Impact Study (SIS) from the respective Regional Transmission Organization (MISO or PJM) and a signed Capacity Verification Letter from the transmitting utility (e.g., Duke Energy or Hoosier Energy). The letter must certify that 100% of the facility's peak megawatt demand can be delivered via the high-voltage transmission system without degrading voltage stability, triggering line curtailments, or reducing reliability for existing agricultural, residential, or commercial grid customers within the county.

SECTION 80.06.09  
DATA CENTER REGULATIONS

5. Aquifer and Watershed Impact Analysis
  - a. An independent hydrological study stamped by a licensed Indiana Professional Hydrologist. This analysis must prove that the data center's domestic use, sanitary needs, and emergency cooling systems will have a net-zero drawdown impact on local agricultural aquifers and municipal wellfields.
6. 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 shall 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 planting/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 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.
7. Shadow Study:
  - a. A Shadow Study shall provide a high-fidelity solar analysis demonstrating zero shadow encroachment onto adjacent agricultural uses. This restriction

applies strictly to shadows cast by the primary data center structure and any secondary or accessory buildings. Shadows cast by required buffer zones, landscaping, or vegetative screening shall not constitute a violation of this standard.

- 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.
8. Noise Modeling and Acoustic Analysis Requirements
- a. Certified Qualifications: The Applicant shall submit a comprehensive, certified acoustic analysis and predictive propagation model prepared by a licensed Professional Engineer (P.E.) or a board-certified member of the Institute of Noise Control Engineering (INCE).
  - b. Content of the Report: The certified report shall be submitted as a mandatory element of the administrative completeness packet and must include, at a minimum:
    - i. Predictive Noise Contours (Isopleths): A series of 3D color-coded noise contour maps generated using internationally recognized acoustic propagation standards (specifically ISO 9613-2 or ANSI/ASA S12.62 algorithms). The models must simulate the facility operating under absolute worst-case meteorological conditions (thermal inversions and downwind propagation) and peak mechanical cooling load. The contours must display both A-weighted ( $LA_{eq} - 10$  min) and C-weighted ( $LC_{eq} - 10$  min) footprints, extending to all property lines and out to a 1-mile radius to identify impacts on all sensitive receptors (dwellings, schools, hospitals, or churches).
    - ii. Continuous 7-Day Ambient Baseline Survey: In lieu of short-term tracking, the applicant must execute a continuous, minimum seven (7) day pre-development ambient sound survey at each of the four (4) designated property-line sensor nodes required. This survey must capture a full weekly cycle to accurately map existing rural background noise floors, establishing the seasonal daytime and nighttime baseline metrics - ( $L_{eq}$ ) and ( $L_{90}$ ) in 1/3 octave bands.
    - iii. Predictive Tonal Analysis: A formal engineering statement certifying that the proposed mechanical equipment (including chillers, exhaust fans, condenser walls, and voltage upfit transformers), as mitigated, will not produce a Prominent Discrete Tone at any property line. The report must include the manufacturer's unmitigated 1/3 octave band sound power levels alongside the mathematical attenuation calculations of the proposed mitigation infrastructure.
    - iv. Low-Frequency Resonance and Vibration Review: A specialized structural resonance assessment analyzing the facility's low-frequency acoustic output. The analysis must demonstrate that the facility's continuous operation will not create a C-minus-A differential meeting or exceeding 15 dB at any adjacent property line or within any off-site habitable structure, verifying that the project will not induce structural rattle or low-frequency environmental vibration stress.

SECTION 80.06.09  
DATA CENTER REGULATIONS

- c. Mandatory Engineering Mitigation Plan: If the predictive modeling indicates a potential or certain exceedance of any broadband, low-frequency, or tonal limits, the applicant must provide a detailed, itemized Mitigation Plan.
    - i. Binding Blueprint Integration: The plan must detail the precise engineering designs, material specifications, and sound-absorption coefficients (NRC ratings) of all proposed physical mitigations—including but not limited to sound-attenuating structural wrappers, dissipative silencers, acoustic louvers, and secondary localized barrier walls.
    - ii. Condition of Approval: All approved mitigation measures shall be explicitly hardcoded into the project's structural blueprints and site plans as binding conditions of the Improvement Location Permit. They must be physically installed and inspected by county staff prior to the introduction of any operational server load or energized computational testing.
9. 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, local commercial broadcast signals or neighboring users.
10. 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.
11. Air Quality Modeling Requirement
- a. The Applicant shall submit a predictive Air Quality Dispersion Modeling Study prepared by a qualified independent professional. The study must utilize U.S. EPA-approved dispersion software to simulate cumulative localized emissions—specifically targeting Nitrogen Oxides and Fine Particulate Matter—under worst-case operating scenarios, including simultaneous full-load operation of all emergency backup generators and routine maintenance testing cycles.
  - b. The modeling results must conclusively demonstrate that emissions from the facility will not cause or contribute to an exceedance of the National Ambient Air Quality Standards (NAAQS) or Indiana Department of Environmental Management (IDEM) air quality limits at the facility's property lines or within any adjacent zoning districts.

- 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.
  5. Electronic Waste (E-Waste) Lifecycle and Recycling Standards
    - a. The Applicant shall submit a comprehensive Electronic Waste Lifecycle and Recycling Plan to the Area Plan Commission. This plan must detail the facility's protocol for the decommissioning, asset tracking, and disposal of all computing infrastructure, servers, networking hardware, and backup battery systems.
    - b. The disposal of any electronic infrastructure or components in municipal solid waste streams or local landfills is strictly prohibited. The facility shall contract exclusively with e-waste recycling vendors holding current, industry-recognized environmental certifications, specifically R2v3 (Responsible Recycling) or e-Stewards.
    - c. The facility operator shall submit an annual compliance log to the Executive Director. This log must include certified receipts or bills of lading from the licensed e-waste recycler documenting the total weight of electronics safely diverted from landfills during the preceding calendar year. Failure to submit this log shall constitute a zoning violation and may result in fines or a review of the facility's operating permit.
- 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."

**SECTION 80.06.09**  
**DATA CENTER REGULATIONS**

- 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:
  - 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. Automated Noise Monitoring and Data Transparency
- a. Mandatory Property Line Monitoring Array: All Data Center facilities shall implement an automated, continuous monitoring system for noise (broadband and tonal) compliance. This system must include a minimum of four (4) permanently active, weather-proof monitoring stations (nodes) installed directly along the property lines of the data center parcel. The exact placement of these nodes shall be determined or approved by the Executive Director to ensure comprehensive tracking of noise propagation toward adjacent residential, agricultural, or civic zones.
  - b. Data Recording and Retention Intervals: Such systems must continuously sample the acoustic environment and log processed compliance data into the historical ledger at 10-minute intervals to maintain absolute mathematical alignment with the county's ( $L_{eq}$ -10 min) enforcement evaluation windows. All recorded compliance data, statistical metrics, and historical logs must be maintained for a minimum of one (1) year and made available to the Area Plan Commission (APC) or Executive Director immediately upon request.
  - c. Automated Violation Triggers: In addition to the baseline recording requirements, the continuous telemetry system required shall be programmed to automatically flag a "Rolling Compliance Breach" under the conditions stated in Section D1, Comprehensive Acoustic Performance Standard.
  - d. Mandatory Audio Capture Protocol: Upon the automated triggering of a Rolling Compliance Breach, the logging software must immediately isolate and preserve a continuous, uncompressed raw audio recording (WAV format, minimum 16-bit, 44.1 kHz sampling rate). The captured file must span exactly thirty (30) seconds immediately preceding the trigger threshold and exactly thirty (30) seconds immediately following the breach event.
  - e. Verification of Environmental Anomalies: These audio logs shall be stored securely within the telemetry platform's database for a minimum of one (1) year. They shall serve as the primary source material for county code enforcement staff to aurally verify that the captured noise spike originated directly from the data center infrastructure and was not the result of an extraordinary localized environmental anomaly (e.g., localized wildlife, agricultural equipment, or immediate right-of-way pass-by traffic).
  - f. Minimum Instrumentation Standards: All continuous noise monitoring stations and telemetry nodes installed pursuant to this Section must utilize an automated, high-precision Type 1 / Class 1 Environmental Noise Monitor satisfying all equipment specifications of ANSI/ASA S1.4 and ANSI S1.43 for sound level meters. The use of Type 2 or lower commercial-grade meters for compliance tracking is strictly prohibited.
  - g. High-Speed Statistical Data Sampling: To properly calculate and isolate the continuous, unyielding industrial cooling hum of the facility from transient community sounds, the monitor's internal processing block must execute continuous high-speed data sampling. The system must record and process

**SECTION 80.06.09  
DATA CENTER REGULATIONS**

raw A-weighted and C-weighted sound pressure levels at a minimum sample rate of once every 100 milliseconds (10 samples per second), yielding no fewer than 36,000 discrete data points per rolling 1-hour window.

- h. Real-Time Statistical Sorting ( $L_{90}$ ): The automated telemetry software shall utilize a real-time, moving First-In, First-Out (FIFO) data array to compute the statistical background noise floor ( $L_{90}$ ). Every sixty (60) seconds, the system must drop the oldest one minute of samples, append the newest one minute of samples, and sort the entire 36,000-sample block in descending order. The  $L_{90}$  compliance value shall be determined strictly by the sound level exceeded by exactly 90% of the sorted samples within that rolling 1-hour evaluation block.

**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 <sup>st</sup> 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*

## 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).
  - Fluid Management and Cooling Discharge Plan
  - Soil Survey: (Drainage, Erosion and Sediment Control)
  - Lighting Plan & BUG: (Full Cutoff, U0 rating, 3000K max color, and LRV < 40).
  - Fuel Storage Engineering: (AST-UL 2085 or Belly Tank-UL 142).
  - 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. 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).

**SECTION 80.06.09**

**DATA CENTER REGULATIONS**

6. Utility/State/Federal Requirements (for reference only)

- 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)
- EPA Spill Prevention, Control, and Countermeasure (SPCC) Plan

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## 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, but not limited to, 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. **Earthen Berm:**
  - a. The berm shall feature an undulating crest line with a minimum height of eight (8) feet and a maximum height of twelve (12) feet above the natural pre-development grade of the surrounding land.
  - b. To ensure structural stability, prevent soil erosion, and allow for safe maintenance, the side slopes of the berm shall not exceed a three-to-one (3:1) horizontal-to-vertical run ratio.
  - c. The flat crest at the top of the berm must maintain a minimum width of four (4) feet to accommodate the required vegetative cover as described in the buffer yard definition.
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).

**SECTION 80.13**  
**DEFINITIONS**

8. 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 Section 80.06.09, 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.

**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 or organization approved by the Executive Director who holds a professional engineering license, certification and/or accreditation 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).
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 and the Plan Commission 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.

**SECTION 80.13**  
**DEFINITIONS**

**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:
  - 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. **dB(A-A-Weighting):** Filters sound to mimic the human ear. It is the industry standard for "loudness."
4. **dB(C-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 ( $L_{eq}$ ):** A metric that measures fluctuating noise by averaging all of the acoustic energy over a specific timeframe. It represents the single, steady decibel level that delivers the exact same amount of total sound energy as the actual, varying noises heard during that period.
8. **Full Cutoff (Luminaire):** A technical classification for a luminaire where zero candela (intensity) occurs at or above an angle of  $90^\circ$  above the nadir (horizontal), and no more than 10% of the total light output occurs at an angle of  $80^\circ$  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/Part 4 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/Part 4, Annex C, using 1/3 octave band analysis.

13. Statistical Sound Level (L<sub>90</sub>): A measurement used to find the quietest background noise level by tracking the sound volume that is exceeded 90% of the time during a test. This method ignores temporary noises—like a passing truck, a barking dog, or a clap of thunder—allowing code enforcement to focus strictly on a constant, unchanging industrial hum.
14. U.S. EPA Tier 4 Final Emission Standards: The strictest federal regulations established by the U.S. Environmental Protection Agency (EPA) governing exhaust emissions from new, nonroad diesel engines. The standard mandates a 90% or greater reduction in harmful air pollutants—specifically Particulate Matter (soot) and Nitrogen Oxides (smog-forming gases)—requiring advanced exhaust aftertreatment technologies such as Selective Catalytic Reduction (SCR) and Diesel Particulate Filters (DPF).
15. Water Usage Effectiveness (WUE): A standardized metric used to measure the operational water efficiency of a Data Center. WUE is calculated by dividing the total annual volume of water consumed at the facility site by the total annual electrical energy delivered to the IT equipment.