

SECTION 80.06.09
DATA CENTER REGULATIONS

PUBLIC DISCLOSURE & REVIEW COVER SHEET

Franklin County Area Plan Commission (FCAP)

DOCUMENT TITLE: Section 80.06.09: Data Center Regulations, Section 80.13.H: Definitions

STATUS: Public

DATE ISSUED: August 18, 2026

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	Third Release	Public
v 4.0	6/22/26	Fourth Release	Public
v 5.0	7/30/26	Fifth Release	Public
v 5.3	8/18/26	See Below	Public

B) 2.c	Add provisions for initial other energy sources and infrastructure
D) 9	New section: Onsite Power Generation Design Standards
E) 2.i and j	Reviewed WUE to include water usage from onsite power generation
H) 3. d	Add provisions for final other energy sources and infrastructure
K)	Add definition of Level 3 and provide for Utility disruption remediation
Checklist	Add requirements for source emissions monitoring and controls
Definitions	Delete BESS and Update Data Center Power Infrastructure

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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 Board 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, the County recognizes that the physical scale, construction activity, utility infrastructure, and associated transmission facilities of Data Center developments may affect the visual character of surrounding areas, alter rural and agricultural landscapes, and create potential adverse impacts on adjoining residential and agricultural properties; and

WHEREAS, House Enrolled Act 1210, codified in relevant part at Indiana Code § 6-2.5-15-15.5, requires a qualified data center user, before using a qualifying specific transaction award certificate issued after June 30, 2026, to enter into a written agreement with the applicable local unit that includes the local contribution required by state law; 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

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:

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A) Regulations

1. Permitted Use: Data Centers are permitted as a Class 3 Conditional Use within the I-1 (Enclosed Industrial) zoning district.
2. Conflict of Regulations: The standards in this Section are supplemental to, and shall be applied together with, all other applicable provisions of the Franklin County Zoning Ordinance. Where this Section imposes a more specific development or performance standard than a generally applicable provision of the Zoning Ordinance, this Section shall control.

B) Application and Administrative Fees

1. Application Fees, Cost Recovery and Independent Technical Review
 - a. The filing fee requirements in Section 80.11.05 of the Franklin County Zoning Ordinance shall apply to all Data Center applications unless expressly amended by this Section.
 - b. In addition to applicable filing fees, the Applicant shall reimburse the County for actual, reasonable, and documented costs of independent technical, engineering, legal, environmental, traffic, drainage, acoustical, fire-protection, utility-infrastructure, inspection, and administrative review required for the Data Center application and development.
 - c. To protect public health, safety, and County infrastructure, the Executive Director may require review by independent qualified professionals with expertise relevant to the proposed project. The scope of review shall be reasonably related to the size, complexity, and potential impacts of the development and may include review of Preliminary and Final Development Plans, construction documents, field inspections, compliance audits, and material project modifications.
 - d. Before third-party review begins, the Executive Director shall provide the Applicant with a written estimate of the anticipated review scope and cost. The Applicant shall establish and maintain an escrow account before commencement of third-party review. Escrow funds shall be used solely for actual, reasonable, and documented project-related review, inspection, and administrative costs. Any unused escrow balance shall be returned to the Applicant following final project closeout.
2. Utility Capacity and Planning
 - a. Water Utility Infrastructure: A written Letter of Availability or equivalent service-capacity statement from the applicable public water utility confirming that the utility has the present or planned capacity to serve the facility's proposed operational, domestic, sanitary, cooling, and fire-suppression demands, subject to the utility's standard terms, required improvements, and applicable regulatory approvals.
 - b. Electrical Grid Stability: The Applicant shall provide a preliminary electric-service assessment, grid-impact study, or written Letter of Availability from the applicable electric utility identifying the facility's anticipated peak megawatt demand, proposed point of service or interconnection, available or planned capacity, required system improvements, and applicable conditions of service. The documentation shall demonstrate that electric service is

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reasonably available to serve the proposed development, subject to utility requirements and all applicable local, state, and federal approvals.

- c. Other Energy Sources and Infrastructure: If the facility proposes to use natural gas, propane, hydrogen, renewable fuels, or any other primary, supplemental or backup energy source, the Applicant shall provide a written availability or capacity statement from the applicable utility, supplier, or system operator. The documentation shall identify anticipated peak and annual demand, the proposed point and method of delivery or interconnection, available or planned capacity, required distribution, transmission, storage, or other system improvements, and applicable conditions of service.

C) Site Development Standards

1. Development Setbacks and Buffer Yards

- a. Standard Setbacks. A minimum 300-foot setback shall be provided along the entire length of any public street frontage and each property line.
- b. Industrial Boundary Exception. Along a property line adjoining a parcel that is zoned Industrial on the date the County determines the Data Center application to be complete, the minimum setback may be reduced to two hundred feet (200 feet).
- c. Buffer Yard Requirement. Except as provided in subsection (d), a minimum one-hundred-foot (100-foot) buffer yard shall be located within each required setback along public street frontages and property lines. The buffer yard shall comply with the buffer-yard composition and screening requirements of this Section.
- d. Industrial-Boundary Buffer Exception. No buffer yard or earthen berm is required along a property line qualifying for the Industrial-Boundary Exception in subsection (b), unless the Data Center's approved acoustic analysis demonstrates that a buffer yard, berm, or other passive mitigation is necessary to meet the applicable acoustic-performance standards at the property boundary.
- e. Berm Requirement. An earthen berm shall be required along any public street frontage or nonindustrial property line where:
 - i. The Data Center property line is within five hundred feet (500 feet) of a residential zoning district or public right-of-way; or
 - ii. The approved acoustic analysis demonstrates that passive mitigation is necessary to meet the applicable acoustic-performance standards.
- f. Location of Improvements. Parking areas, maintenance buildings, outdoor storage, substations, and other ancillary uses shall not be located within a required buffer yard.
- g. Security Fencing. Security fencing shall be located on the interior side of any required landscape buffer or earthen berm, closer to the principal building than the buffer or berm, so that the fence is screened from public view. Where no buffer yard is required along an industrial boundary under subsection (d), security fencing may be located in accordance with Section 80.05.10(D)(1).

2. Existing Residential Protections within an Industrial District

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- a. For purposes of the setback, buffer-yard, screening, noise, lighting, and other residential-protection standards in this Section, an adjoining property containing a legally established residential dwelling shall be treated as residential if the dwelling existed and was lawfully occupied on the date the County determines the Data Center application to be complete.
- b. This subsection does not change the zoning classification of any property. It does not apply to vacant land, land zoned or proposed for residential use without an existing dwelling, or dwellings first established after the complete-application date.
- c. The complete-application date shall establish the residential-protection baseline for the Data Center's approved Development Plan. A residential dwelling constructed, occupied, or rezoned after that date shall not impose additional or more restrictive performance standards, setbacks, buffers, screening, or mitigation requirements on the approved Data Center.
- d. A material amendment to the approved Development Plan that increases the Data Center's building footprint, electrical load, water demand, noise-generating equipment, cooling capacity, generator capacity, or other off-site impacts shall require the County to reevaluate applicable residential-protection standards based on conditions existing when the amendment application is determined complete.

3. Building Height Requirements

- a. The primary structure, including all rooftop parapets, screens, and mechanical equipment, shall not exceed 75 feet.
- b. Primary and accessory structures shall be designed and located to avoid unreasonable, recurring shadow impacts on adjacent actively cultivated agricultural land, as demonstrated by a solar-shadow study submitted with the Development Plan.

D) Design and Installation Standards

1. Acoustic Performance Standards.

- a. Applicability. These standards apply to sound generated by the operation, maintenance, and testing of Data Center equipment, including cooling equipment, transformers, generators, exhaust systems, battery-energy-storage systems, and other mechanical equipment. Construction noise is governed by the approved Construction Management Plan and other applicable County requirements.
- b. Maximum Sound Levels. Sound generated by the Data Center shall not exceed the limits in Table 1 at the Data Center property line nearest the affected receiving property or public right-of-way.

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- Maximum A-Weighted and C-Weighted Sound Levels

- c. Measurement and Violation Standard.

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- i. A violation occurs when either the A-weighted equivalent continuous sound level (LAeq) or C-weighted equivalent continuous sound level (LCeq) exceeds the applicable limit in Table 1 during more than two (2) consecutive rolling ten-minute measurement intervals.
 - ii. Measurements shall be made using a Type 1 sound-level meter or equivalent instrument that is calibrated before and after each measurement period and is capable of measuring LAeq, LCeq, and one-third-octave-band data.
 - iii. Measurements shall be conducted during representative facility operating conditions. Measurements shall exclude periods materially affected by precipitation, thunder, sustained wind exceeding the instrument manufacturer's recommended limit, nearby construction, emergency-response activity, or other atypical non-facility noise sources.
 - iv. Before issuing a violation, the County shall reasonably verify through facility operating records, meteorological information, field observations, and source-attribution analysis that the measured sound is primarily attributable to Data Center operations.
 - d. Low-Frequency Noise.
 - i. A violation occurs when the difference between simultaneous one-hour LCeq and LAeq measurements is fifteen (15) dB or greater at the applicable measurement location, and the County verifies that the condition is primarily attributable to Data Center operations.
 - ii. A documented complaint concerning interior vibration, rattle, or low-frequency effects within an off-site habitable structure may require a supplemental assessment by a qualified acoustical professional, conducted with the property owner's consent.
 - e. Tonal Noise. If a qualified acoustical professional determines that Data Center operations produce a prominent discrete tone under the applicable methodology in ANSI/ASA S12.9/Part 4, Annex C, the applicable limits in Table 1 shall be reduced by five (5) dB for the affected measurement band and period. The acoustic analysis shall identify the equipment source and proposed tonal-noise mitigation.
- 2. Ground-Borne Vibration and Mechanical Isolation.
 - a. Ground-borne vibration generated by Data Center operations shall not exceed a peak particle velocity of 0.005 inches per second (PPV) at the Data Center property line nearest the affected receiving property.
 - b. Vibration measurements shall be performed by a qualified professional using calibrated equipment and a methodology consistent with ANSI S2.71 or a successor standard.
 - c. Measurements shall be conducted during representative facility operating conditions and shall exclude vibration caused by construction, vehicular traffic, weather events, emergency-response activity, utility outages, or other non-facility sources.

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- d. Before issuing a violation, the County shall reasonably verify through field observations, facility operating records, and source-attribution analysis that the measured vibration is primarily attributable to Data Center operations.
- 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. The Data Center and its equipment shall be designed, installed, operated, and maintained in compliance with all applicable Federal Communications Commission rules, including 47 CFR Part 15 where applicable, and all applicable equipment-authorization requirements.
- 5. Rooftop Regulations
 - a. Any equipment located on a rooftop must be screened from public view.
- 6. Fuel Storage and Environmental Protection Standards
 - a. Fuel Tank Design and Installation Standards
 - i. All aboveground fuel-storage tanks, associated piping, transfer equipment, and dispensing equipment shall be designed, installed, operated, inspected, and maintained in accordance with applicable federal, state, and local laws; the Indiana Fire Code; and applicable NFPA standards.
 - ii. Fuel-storage tanks shall be constructed as listed, approved, and compatible with the fuel stored. Tanks and associated equipment shall be protected against corrosion, physical damage, unauthorized access, overfill, leaks, and accidental releases.
 - iii. Aboveground fuel-storage tanks shall be double-walled or shall be located within a secondary-containment system capable of containing at least one hundred ten percent (110%) of the capacity of the largest single tank, plus any anticipated precipitation where containment is uncovered.
 - iv. Secondary containment shall be constructed of impervious, compatible materials and shall be designed to prevent the migration of fuel into

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- soil, stormwater systems, drainage facilities, waterways, or groundwater.
- v. Fuel-fill connections, transfer areas, and fueling pads shall be designed to contain foreseeable spills and shall include emergency shutoff capability, spill-response materials, and appropriate drainage controls.
- vi. Tanks, piping, valves, and containment systems shall be inspected at intervals required by applicable law and manufacturer recommendations. The Operator shall maintain inspection, maintenance, testing, and repair records for at least three (3) years and shall provide them to the Executive Director upon written request.
- vii. Fuel-storage areas shall be secured from unauthorized access and shall maintain required emergency access, fire-department clearances, and separation distances from buildings, property lines, public rights-of-way, ignition sources, BESS equipment, and environmentally sensitive areas.
- viii. The Final Development Plan shall identify the location, capacity, fuel type, secondary-containment design, fire-protection features, emergency shutoffs, and access routes for each fuel-storage tank and associated delivery infrastructure.
- b. All standalone aboveground storage tanks 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.
- c. 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.
- d. 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. Onsite 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.
- e. Environmental Compliance Documentation

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- i. The Applicant shall provide a certified copy of the facility's federal Spill Prevention, Control, and Countermeasure ("SPCC") Plan only if an SPCC Plan is required for the facility under applicable federal law. If no SPCC Plan is required, the Applicant shall provide a written statement from a qualified environmental professional identifying the basis for non-applicability.
 - ii. The Applicant shall provide proof of registration of aboveground storage tanks with the Indiana Department of Environmental Management or another applicable state agency only for tanks that are required by applicable law to be registered.
 - iii. The Applicant shall identify all proposed fuel-storage tanks and delivery infrastructure on the Final Development Plan and shall provide documentation demonstrating compliance with all applicable federal, state, local, fire-code, and utility requirements.
- 7. Battery Energy Storage Systems Standards
 - a. All Battery Energy Storage Systems shall be designed, installed, operated, maintained, and decommissioned in accordance with the Indiana Fire Code, Indiana Building Code, and all other applicable federal, state, and local requirements, including NFPA 855 to the extent adopted or otherwise applicable.
 - b. Before Final Development Plan approval, the Applicant shall submit a BESS Hazard-Mitigation Analysis prepared by a qualified fire-protection engineer or other qualified professional. The analysis shall address, at a minimum:
 - i. Battery chemistry, capacity, enclosure type, and equipment layout;
 - ii. Thermal-runaway, fire, explosion, toxic-gas, and smoke hazards;
 - iii. Fire-detection, gas-detection, alarm, monitoring, and emergency-shutdown systems;
 - iv. Fire-suppression, containment, ventilation, and deflagration-mitigation measures, where applicable;
 - v. Separation distances between BESS equipment, buildings, property lines, public rights-of-way, fuel-storage areas, and other hazardous materials;
 - vi. Emergency access, responder staging, isolation zones, and site-security measures; and
 - vii. Procedures for incident response, damaged-battery handling, and end-of-life removal or recycling.
 - c. The Applicant shall provide the Hazard-Mitigation Analysis and proposed Emergency Response Plan to the local fire department of jurisdiction and the Franklin County Emergency Management Agency for review and comment before Final Development Plan approval. The BZA may impose reasonable conditions based on written comments received from those agencies.
 - d. BESS equipment shall be arranged to provide unobstructed emergency-vehicle access, responder staging areas, and access to emergency shutoffs. Required fire lanes, access drives, and equipment clearances shall be maintained at all times.

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- e. BESS installations shall include detection, alarm, emergency-shutdown, fire-suppression, ventilation, containment, and monitoring systems required by applicable codes and approved construction documents. The Applicant shall identify all such systems on the Final Development Plan and as-built site map.
 - f. Before issuance of a Certificate of Occupancy, the Applicant shall submit a BESS Operations, Inspection, and Maintenance Plan identifying inspection intervals, monitoring procedures, emergency-shutdown protocols, equipment replacement procedures, incident reporting procedures, and qualified personnel responsible for BESS operations.
 - g. Replacement, expansion, repowering, change in battery chemistry, or other material modification of an approved BESS shall require review by the Executive Director and may require a Development Plan amendment if the modification changes the facility's footprint, capacity, hazard profile, fire-protection design, or emergency-response requirements.
 - h. BESS equipment shall be removed, recycled, or disposed of in accordance with applicable law and the approved Decommissioning and Site Restoration Plan.
8. Generator Enclosure, Emissions, and Operational Standards
- a. Applicable Requirements. Backup generators, associated fuel systems, exhaust equipment, enclosures, and air-emission controls shall be designed, installed, operated, maintained, and tested in compliance with all applicable federal, state, and local laws; the Indiana Fire Code; applicable IDEM requirements; and all required permits.
 - b. Enclosure and Noise Mitigation. Generators and associated cooling, exhaust, and mechanical equipment shall be enclosed, screened, and equipped with noise-control measures necessary to comply with the acoustic performance standards of this Ordinance during routine operation and testing.
 - c. Routine Maintenance and Testing.
 - i. Routine generator maintenance, operational-readiness testing, and cycling shall occur only Monday through Friday between 9:00 a.m. and 5:00 p.m., excluding federal holidays.
 - ii. The Executive Director may approve an alternative testing time upon written request when necessary to comply with manufacturer requirements, applicable law, utility requirements, or an emergency condition, provided the alternative schedule minimizes impacts on adjacent properties to the extent reasonably practicable.
 - d. Runtime Logging and Records.
 - i. The facility operator shall maintain an accurate digital record of generator runtime, operational status, test date, start and stop time, duration, and the reason for each operation, including routine testing, maintenance, utility outage, or emergency operation.
 - ii. Generator-operation records shall be retained for at least three (3) years and shall be provided to the Executive Director upon written or electronic request.
 - e. Emergency Operations.

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- i. The routine testing-hour restrictions in subsection (c) shall not apply when generator operation is necessary to protect life safety, maintain critical facility operations during a documented loss of normal electric service, conduct an emergency response, or comply with a lawful direction of a utility or public-safety agency.
- ii. During an emergency operation, the Operator shall use commercially reasonable measures to minimize noise, vibration, emissions, and other impacts on adjacent properties.
- iii. The emergency exemption applies only for the duration reasonably necessary to address the documented emergency or utility-service interruption and does not exempt the facility from applicable fire-safety, environmental, fuel-storage, or other legal requirements.
- iv. Upon request, the Operator shall provide the Executive Director with documentation identifying the date, time, duration, and reason for the emergency generator operation

9. Onsite Power-Generation Design Requirements

- a. Any onsite power-generation unit or associated system that uses water shall employ a water-conserving design. Permitted designs are limited to:
 - i. A power-generation unit that does not require water for routine cooling, emissions control, inlet-air cooling, or power augmentation;
 - ii. A simple-cycle combustion turbine using dry cooling and, where applicable, dry-low-NOx combustion;
 - iii. A combined-cycle system using an air-cooled condenser or other dry-cooling technology and, where applicable, dry-low-NOx combustion;
 - iv. A reciprocating engine, fuel cell, boiler, combined-heat-and-power system, or other generating unit using a closed-loop, non-evaporative cooling system; or
 - v. A closed-loop system using reclaimed or non-potable water that achieves water consumption substantially equivalent to dry cooling, as determined by the applicable water utility provider.
 - vi. Once-through cooling, routine use of potable water for evaporative cooling, and continuous water or steam injection for emissions control or power augmentation are prohibited.
- b. Air-Quality Standards
 - i. Each onsite power-generation unit and associated emissions unit—including a stationary combustion turbine, reciprocating internal-combustion engine, standby or emergency generator, boiler, duct burner, fuel cell with regulated emissions, and combined-heat-and-power unit—shall obtain all required EPA and IDEM permits, registrations, approvals, or exemption determinations and comply with applicable federal and state air-quality requirements and permit conditions.
 - ii. Each covered unit shall use the emissions-monitoring, testing, operation, maintenance, recordkeeping, and reporting methods required or approved by EPA, IDEM, or the applicable air permit.

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- Required monitoring systems shall be installed, certified, calibrated, operated, and maintained in accordance with those requirements.
- iii. Before operation, the Operator shall provide the Area Plan Department with copies of applicable air permits and a summary identifying each covered unit, its fuel, rated capacity, regulatory classification, applicable emissions limitations, and the monitoring, testing, recordkeeping, and reporting methods required or approved by EPA, IDEM, or the applicable air permit.
 - iv. The Operator shall provide the Area Plan Department with copies of required emissions reports, performance-test results, notices of violation, and reports of emissions exceedances or permit deviations submitted to EPA or IDEM. An EPA or IDEM submission containing the required information satisfies the corresponding County reporting requirement.
 - v. Required air-quality records shall be retained for at least three years, or longer when required by applicable law or permit, and made available to the Area Plan Department upon lawful request.
 - vi. The regulatory classification and permitted use of each onsite power-generation unit shall be determined under applicable EPA and IDEM requirements.
 - vii. County approval does not constitute an air permit or replace EPA or IDEM authority. If a county requirement conflicts with a binding federal or state requirement or an EPA- or IDEM-approved compliance method, the federal or state requirement controls to the extent of the conflict.

10. Utility Infrastructure and Interconnection Requirements

- a. Undergrounding of Utilities.
 - i. All private onsite distribution lines, secondary electrical feeds, and fiber-optic telecommunications lines are encouraged to be installed entirely underground.
 - ii. All electrical and telecommunications corridors are encouraged to be located beyond the limits of the buffer zone.
- b. Public Right-of-Way (ROW) and Construction Standards.
 - i. Open-cut trenching across existing county roadways for data center utility installation is strictly prohibited. The developer must utilize horizontal directional boring (HDB) or cased pipe jack-and-bore methods to minimize pavement structural degradation.
 - ii. The construction and installation of all utility corridors, easements, and staging yards must be explicitly incorporated into the project's Stormwater Pollution Prevention Plan (SWPPP) and comply with the pre-construction stabilization requirements of this ordinance.

E) Water Supply and Resource Management

1. Water-Service Eligibility and Cooling Technology

- a. A Data Center may be approved only on property located within the service territory of a public water utility and where a public-water connection is

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reasonably available, as documented by a Letter of Availability or equivalent written service commitment from the applicable utility.

- b. The Applicant shall identify the proposed public-water connection, all necessary main extensions or improvements, and the party responsible for their cost. The Applicant shall be solely responsible for the cost of all water-system improvements required to serve the development.
 - c. All Data Centers shall use cooling systems designed to minimize potable-water consumption. Permitted systems may include air-cooled, closed-loop, liquid-immersion, dry-cooling, or other comparably water-efficient systems.
 - d. Once-through cooling and open-evaporative cooling systems are prohibited.
 - e. The approved cooling technology, water source, and water-use limits shall be identified in the Final Development Plan. Any material change in cooling technology, system architecture, water source, or water demand shall require a Development Plan amendment and technical review before installation or operation.
2. Water Usage Effectiveness and Water-Use Limits
- a. The Applicant shall provide projected annual water consumption, peak daily demand, peak hourly demand, and projected Water Usage Effectiveness (“WUE”) for each development phase and ultimate buildout.
 - b. For purposes of this Section, WUE shall be reported as the annual liters of water consumed at the site per kilowatt-hour of energy used by the facility’s information-technology equipment (“L/kWh”).
 - c. Before approval of the Final Development Plan, the Applicant and the County shall negotiate a maximum annual WUE standard for each development phase. The negotiated standard shall be incorporated into the Final Development Plan as an enforceable condition of approval and shall be based upon:
 - i. The cooling and water-conservation technologies proposed for the phase;
 - ii. The water efficiency reasonably achievable through commercially available and operationally proven technology;
 - iii. The facility’s anticipated information-technology load, operating conditions, redundancy requirements, and seasonal cooling demands;
 - iv. Local climate conditions and the availability and reliability of public, reclaimed, reused, or other water sources;
 - v. Applicable industry benchmarks for facilities using comparable technology under comparable operating conditions;
 - vi. The Applicant’s proposed water-efficiency targets and water-use reduction measures; and
 - vii. The capacity and operational requirements of the applicable water utility.
 - d. The Applicant shall support its proposed WUE standard with certified engineering data, technology specifications, water-balance calculations, anticipated operating ranges, applicable industry benchmarks, and an explanation of why the proposed standard represents efficient water use for the selected technology.

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- e. The negotiated WUE standard may include:
 - i. A maximum rolling twelve-month WUE limit;
 - ii. Interim efficiency targets applicable during commissioning, initial operation, or phased load increases;
 - iii. Seasonal or operating-condition adjustments supported by objective engineering criteria; and
 - iv. Required water-conservation measures, performance improvements, or technology upgrades necessary to achieve the approved standard.
- f. The Final Development Plan shall establish enforceable limits for:
 - i. Total annual water consumption, expressed in gallons per calendar year;
 - ii. Maximum water consumption during any twenty-four-hour period, expressed in gallons per day;
 - iii. Maximum water draw during any one-hour period, expressed in gallons per hour; and
 - iv. The negotiated WUE standard and any associated interim or technology-specific efficiency targets.
- g. Approved water capacity and WUE standards are limited to the specific phase, building footprint, cooling technology, information-technology load, and operating conditions approved in the Final Development Plan. Unused capacity may not be transferred to another phase, expansion, or facility without a Development Plan amendment, public review, and written confirmation of utility capacity.
- h. A negotiated WUE standard or water-use limit may be modified only through approval of a Development Plan amendment. A requested modification shall be supported by updated certified engineering data and may be approved only for a permitted phase change, expansion, material change in cooling technology, or other demonstrated change in operating conditions. The County shall also receive an updated utility-service commitment when the modification could affect utility capacity.
- i. Water included in WUE.
 - i. The WUE numerator shall include all water entering the facility's defined measurement boundary and used during the reporting period for operation of the data center or an associated onsite power-generation system. Included uses include cooling-system makeup, humidification, heat rejection, process operations, water treatment, and other uses directly supporting information-technology equipment or onsite generation serving the facility.
 - ii. Included water shall be measured without regard to whether it is obtained from a public-water system, groundwater, surface water, reclaimed or reused water, hauled water, rainwater, or another source. Each source shall be separately identified and reported.
 - iii. Water used by an associated onsite power-generation system shall be included. This includes makeup or process water used by gas turbines, heat-recovery steam generators, steam turbines, cooling systems, emissions-control systems, inlet-air cooling, power-augmentation

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- systems, water-treatment systems, and routine equipment washing, including water lost through evaporation, drift, blowdown, discharge, or another consumptive process.
- iv. Water recirculated within a closed-loop or reuse system shall be counted only when it first enters the facility measurement boundary. The same volume shall not be counted again merely because it is stored, treated, transferred, or recirculated within the facility. Replacement or makeup water entering the measurement boundary shall be counted when supplied.
- v. Water shall not be excluded because it is separately metered, supplied to a power-generation structure, obtained from a non-potable source, or characterized as utility, reclaimed, reused, or power-plant water.
- vi. Domestic and sanitary water, irrigation water, and water used solely for fire-suppression testing, firefighting, or emergency response may be excluded if separately metered or determined through a reasonable, documented, and consistently applied estimation method. Each excluded use and the corresponding volume shall be separately reported.
- vii. For purposes of this Ordinance:
WUE = Annual water included under this subsection, in liters
Annual IT-equipment energy, in kilowatt-hours
- viii. WUE shall be reported in liters per kilowatt-hour. The measurement boundary, reporting period, included water sources, excluded uses, estimation methods, and meter locations shall be disclosed with each calculation.
- j. Metering and energy measurement.
- i. The Operator shall install, operate, calibrate, and maintain revenue-grade or equivalent meters and submeters sufficient to measure all water entering the WUE measurement boundary, including water used for onsite power generation, cooling-system makeup, humidification, process operations, and other systems supporting information-technology equipment.
- ii. Water excluded under subsection (i)(vi) shall be separately metered. If separate metering is not reasonably practicable, the Operator may use a reasonable, documented, reproducible, and consistently applied estimation method approved by the Executive Director.
- iii. Meters shall be arranged to prevent omission or double counting of water transferred, treated, reused, or recirculated within the facility.
- iv. The WUE denominator shall consist of electrical energy delivered to information-technology equipment during the same reporting period used for the WUE numerator. Information-technology equipment includes servers, data-storage equipment, networking equipment, and associated information-technology devices.
- v. Energy consumed by chillers, cooling towers, pumps, fans, computer-room air handlers, computer-room air-conditioning units, building HVAC and ventilation systems, lighting, offices, transformers, onsite

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generators, uninterruptible-power-supply losses, battery-system losses, and other non-IT loads shall not be included in the WUE denominator.
vi. Water and energy measurements shall cover the same facility boundary and reporting period. WUE shall be calculated for a continuous twelve-month period and reported at least annually. Monthly water and IT-energy measurements shall be retained and made available to the County.

- k. The Operator shall calculate WUE monthly and submit quarterly reports to the Executive Director. Each report shall include meter readings, water consumption by source and use category, IT-equipment energy use, the rolling twelve-month WUE, performance against applicable interim and final efficiency targets, excluded water use, and any documented abnormal operating period. Supporting records shall be retained for at least three years.
 - l. Water use and IT-equipment energy use occurring during a documented utility outage, emergency-generator operation, fire event, commissioning event, or other abnormal or declared emergency shall be separately identified. Such periods may be excluded or adjusted in the rolling twelve-month WUE calculation only upon written approval by the Executive Director after the Operator demonstrates that the event materially affected normal facility operations.
 - m. Each operational development phase shall independently comply with its negotiated WUE standard and applicable efficiency targets. WUE from one phase shall not be averaged with another phase to offset noncompliance unless expressly approved through a Development Plan amendment.
 - n. The County may require an independent WUE audit by a qualified engineer or water-efficiency professional no more than once per calendar year or upon documented evidence of a potential violation. The Applicant or Operator shall reimburse the County for the actual, reasonable, and documented costs of the audit.
 - o. If a quarterly report or independent audit shows that the facility exceeds its negotiated WUE limit or fails to meet an enforceable efficiency target, the County shall issue a written Notice of Violation. Within thirty days after receiving the notice, the Operator shall submit a corrective-action plan identifying the cause, proposed operational or technological improvements, and a compliance schedule. The Operator shall achieve compliance within 180 days unless the Executive Director approves a longer period based on documented equipment-replacement schedules, utility limitations, or circumstances beyond the Operator's reasonable control.
3. Drought and Water-Conservation Planning
- a. The Applicant shall submit a Drought Contingency and Curtailment Plan as a condition of Final Development Plan approval.
 - b. The Plan shall identify operational measures to reduce potable-water use during declared local, regional, or state drought conditions, including load reduction, use of approved dry-mode operations, leak detection, and other feasible conservation measures.

Deleted: Water included in WUE. WUE shall include water consumed at the facility for cooling-system makeup, humidification, heat rejection, process operations, and other uses directly supporting information-technology equipment, regardless of whether the water is obtained from a public-water system, groundwater, surface water, reclaimed or reused water, hauled water, or another source. Domestic and sanitary water, irrigation water, and water used solely for fire-suppression testing, firefighting, or emergency response shall be separately metered or reasonably estimated and may be excluded from the WUE calculation.¶
Metering and energy measurement. The Operator shall install, operate, calibrate, and maintain utility-grade meters or submeters sufficient to measure:¶
Water included in the WUE calculation, including cooling-system makeup water, humidification water, process water, and water used by other systems directly supporting information-technology equipment;¶
Water excluded from the WUE calculation under subsection (i), either through separate metering or a reasonable and documented estimation method; and¶
Electrical energy delivered directly to information-technology equipment, including servers, data-storage equipment, networking equipment, and associated information-technology devices.¶
Energy used by chillers, cooling towers, pumps, fans, computer-room air handlers, computer-room air-conditioning units, building HVAC and ventilation systems, lighting, offices, transformers, generators, uninterruptible-power-supply losses, battery systems, and other non-IT loads shall not be included in the WUE denominator.¶

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- c. The Plan shall be coordinated with the applicable public-water utility and shall not conflict with lawful utility curtailment requirements or emergency directives.
- 4. Cooling Fluids, Wastewater, and Disposal
 - a. Cooling fluids, glycol, chemical additives, inhibitors, blowdown, and other process-related liquids shall be characterized and managed in accordance with applicable federal and state environmental laws, utility requirements, and any applicable sanitary-sewer or industrial-discharge permit.
 - b. No process-related liquid may be discharged to a municipal wastewater system, sanitary sewer, storm sewer, drainage tile, ditch, stream, or other receiving system unless the discharge is expressly authorized by the applicable utility, permit, or regulatory authority.
 - c. Materials determined to be hazardous waste shall be stored, transported, and disposed of by properly authorized persons in accordance with applicable law. Materials not determined to be hazardous waste shall be managed, recycled, treated, or disposed of in accordance with applicable waste-management requirements.
 - d. The Applicant shall submit a Fluid Management and Disposal Plan identifying anticipated fluids, storage methods, spill-prevention measures, waste-characterization procedures, and authorized disposal or recycling methods.
- 5. Connection, Backflow Protection, Metering, and Reporting
 - a. The facility shall install backflow protection required by the applicable water utility and all applicable plumbing and public-health requirements.
 - b. The facility shall install utility-grade meters or submeters capable of separately measuring:
 - i. Cooling-system makeup and process water;
 - ii. Domestic and sanitary water use; and
 - iii. Irrigation and grounds-maintenance water use.
 - c. Where the facility is authorized to discharge process water, the Applicant shall provide monitoring, sampling, and automatic shutoff equipment required by the applicable utility, discharge permit, or regulatory authority.
 - d. The Operator shall submit quarterly water-use reports to the Executive Director and applicable water utility. Each report shall identify water use by meter category, annual-to-date consumption, peak daily and hourly demand, WUE in L/kWh, any authorized discharges, and compliance with approved water-use limits.
 - e. Water-use records, meter data, and WUE calculations shall be retained for at least three (3) years and made available to the County upon written request.
- F) Project Lifecycle, Development Commitments, and Community-Benefit Agreements
 - 1. Project Lifecycle Agreement and Development Commitments
 - a. Before issuance of an Improvement Location Permit or commencement of site work, the Applicant shall execute a Project Lifecycle Agreement with the Franklin County Commissioners when required by the approved Final Development Plan or a condition of approval.
 - b. The Project Lifecycle Agreement shall memorialize only those plans, commitments, financial assurances, inspection arrangements, infrastructure

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obligations, and mitigation measures that are reasonably related and proportionate to documented impacts of the proposed Data Center development.

- c. The Agreement shall identify the responsible parties; applicable plans and conditions of approval; performance deadlines; required financial assurance; procedures for inspection, notice, cure, default, and release; and the process for amendment following an approved Development Plan amendment.
- d. The Agreement shall include the following, when applicable to the approved development:
 - i. Construction Management Plan. A Construction Management Plan identifying permitted construction hours, dust and erosion control, temporary lighting controls, construction traffic management, site-security measures, staging areas, emergency access, and procedures for responding to construction-related complaints.
 - ii. Third-Party Review and Inspection Escrow. An escrow account funded by the Applicant to reimburse the County for actual, reasonable, and documented third-party review, inspection, and administrative costs associated with the development. The Agreement shall state the estimated scope of services, procedures for replenishment, accounting requirements, and return of unused funds following project closeout.
 - iii. Road Use and Maintenance Agreement. A Road Use and Maintenance Agreement for County transportation facilities affected by project-related construction or operations. The Agreement may require a pre-construction pavement-condition survey or video record of approved haul routes; approved construction traffic and haul routes; periodic inspections; repair or restoration of documented project-related damage; and financial assurance in an amount reasonably related to the anticipated repair obligation.
 - iv. Drainage Facilities Agreement. A Use and Repair of Drainage Facilities Agreement when the development affects County-regulated drains, drainage facilities, or stormwater infrastructure. The Agreement shall include a Drain Location Map; approved improvement, crossing, repair, and maintenance plans; required permits and approvals; and financial assurance reasonably related to the approved work and restoration obligations.
 - v. Decommissioning and Site Restoration Plan. A Decommissioning and Site Restoration Plan that identifies the circumstances requiring decommissioning; removal of structures, equipment, fuel, chemicals, waste, and other site improvements; restoration of disturbed areas; and any required soil remediation or drainage restoration. The Plan shall identify the form and amount of financial assurance, procedures for County notice and use of the assurance upon default, and release criteria. The amount of financial assurance shall be reviewed at least every five (5) years by a qualified

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independent professional and adjusted, as necessary, to reflect reasonably anticipated decommissioning costs and salvage value.

- vi. Insurance. Insurance reasonably necessary to address documented project-related risks, which may include commercial general liability, environmental or pollution liability, and excess or umbrella liability coverage. The Agreement shall specify required coverage types, minimum limits, endorsements, notice of cancellation, and evidence of coverage. Cyber or network-security coverage may be required only when the Applicant's operations create a documented, direct risk to County-owned systems or infrastructure.
- vii. Infrastructure Commitments. Pursuant to Indiana Code § 36-7-4-1313 and as a condition of Development Plan approval, the Applicant may provide a written commitment to construct, dedicate, or contribute toward infrastructure improvements reasonably related and proportionate to the development's documented impacts. Such commitments may include County Road improvements, turn lanes, drainage or stormwater facilities, and water or sewer extensions, where authorized and accepted by the governmental entity with jurisdiction over the improvement.
- e. Nothing in this Section authorizes the County to require an Applicant to fund, construct, or dedicate an improvement that is not reasonably related and proportionate to the impacts of the proposed development, or that is outside the County's jurisdiction or authority.

2. Statutorily Required Local Agreement

- a. Any written agreement required by Indiana Code § 6-2.5-15-15.5 as a condition of a qualified data center user's use of a qualifying specific transaction award certificate shall be separately executed by the Applicant and the applicable local unit in accordance with state law.
- b. A state-required local agreement under this subsection is distinct from a voluntary Community-Benefit Agreement under subsection 3.

3. Voluntary Community-Benefit Agreements

- a. An Applicant may voluntarily enter into a separate Community-Benefit Agreement with the Franklin County Commissioners to address community benefits not otherwise required as a condition of zoning, Development Plan approval, or an Improvement Location Permit.
- b. A voluntary Community-Benefit Agreement shall not be required for approval of a Data Center application and shall not be used to impose mitigation obligations unrelated to documented land-use impacts of the development.
- c. A voluntary Community-Benefit Agreement may address matters such as local workforce-training initiatives, support for emergency-service equipment or training, educational partnerships, or sustainability commitments exceeding applicable legal 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:

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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, battery arrays (BESS) and storage yards.
 - c. Infrastructure Mapping: A detailed plan identifying the precise routing of all proposed high-voltage transmission lines, placement of transmission towers, and the exact footprint of all substations, switching yards, and step-down transformers.
 - d. Telecommunications Access Corridors: Mapping or documentation of direct access or secured dedicated easements to a regional fiber-optic trunk line or long-haul telecommunications corridor.
 - e. Buffer Design: A detailed cross-section of the 100-foot-wide landscape buffer within the setback, featuring a double-staggered evergreen row.
 - f. Access & Safety: Verified route designs for Fire/EMS access, including turning radii and weight capacities for emergency vehicles.
 - g. 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. Transportation Impact and Construction Management
 - a. The Applicant shall submit a Traffic Impact Analysis prepared and certified by an Indiana-licensed professional engineer for any Data Center development exceeding forty thousand (40,000) square feet of gross floor area or ten (10) acres of site area. The analysis shall evaluate construction and operational traffic, affected intersections, site access, vehicle queuing, emergency access, and any proposed roadway improvements.
 - b. Phased Development and Construction Sequencing.
 - i. For a Data Center development proposed in phases, the Applicant shall submit a Construction Sequencing Plan as part of the Traffic Impact Analysis. The Plan shall identify the anticipated construction schedule; projected peak construction-worker, delivery, and heavy-vehicle traffic for each phase; proposed staging and queuing areas; designated haul routes; and measures to avoid or minimize project-related traffic

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congestion and conflicts with school transportation, emergency access, and seasonal agricultural traffic.

- ii. The APC may condition Development Plan approval on phased construction and the completion of transportation improvements, road repairs, or traffic-management measures reasonably necessary to mitigate documented project-related impacts.
- c. The Applicant shall submit a Construction Traffic and Haul Route Plan identifying proposed routes for heavy construction vehicles, equipment deliveries, and operational freight traffic. The Plan shall identify the jurisdiction responsible for each roadway segment and all required roadway-access, right-of-way, oversize/overweight, and haul-route approvals.
- d. Construction traffic and operational freight traffic shall use state highways, designated county truck routes, county arterials, or other routes approved by the governmental agency with jurisdiction over the affected roadway. Use of local residential streets, subdivision roads, or secondary collector roads is prohibited unless the County Highway Department determines in writing that no feasible alternative route is available due to an emergency, road closure, or site-access limitation.
- e. The County Highway Department, acting under the authority of the Board of Commissioners, shall review and approve any use of County roads, County rights-of-way, road cuts, access improvements, haul routes, road-use agreements, pavement-condition surveys, restoration requirements, and financial assurance required for County transportation facilities.
- f. Where a proposed access point, haul route, utility crossing, or roadway improvement involves a state highway or INDOT right-of-way, the Applicant shall obtain all required INDOT permits, approvals, and agreements before commencing the affected work. County approval does not replace or supersede INDOT approval.
- g. Before construction begins, the Applicant shall execute any required Road Use and Maintenance Agreement with the Board of Commissioners. The Agreement may require a pre-construction pavement-condition survey, documented route inspection, appropriate financial assurance, and repair or restoration of County transportation facilities damaged by project-related activities.
- h. The Applicant shall provide adequate onsite vehicle queuing and staging areas to prevent construction vehicles, employee vehicles, deliveries, or emergency-service access from obstructing a public right-of-way.
- i. The APC may consider the Traffic Impact Analysis and Construction Traffic and Haul Route Plan when reviewing the Development Plan and may condition Development Plan approval on completion of transportation improvements identified as necessary to mitigate project-related impacts..
- j. No Improvement Location Permit for a subsequent phase shall be issued until transportation improvements, road repairs, and traffic-management measures required as conditions of approval for the preceding phase have been completed or otherwise secured to the satisfaction of the governmental agency with jurisdiction over the affected roadway.

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4. Agricultural Shadow-Impact Study
 - a. The Applicant shall submit an Agricultural Shadow-Impact Study prepared by a qualified professional as part of the Preliminary Development Plan. The study shall model shadows cast by the primary Data Center structure and any accessory or secondary building onto adjacent actively cultivated agricultural land.
 - b. The study shall identify the location, duration, and frequency of modeled shadow impacts and shall include analysis for, at a minimum, the Winter Solstice and the Vernal and Autumnal Equinoxes.
 - c. Shadows cast by required buffer yards, landscaping, vegetative screening, utility poles, or similar incidental site features shall not constitute a violation of this Section.
 - d. The Applicant shall design and locate buildings to avoid unreasonable, recurring shadow impacts on adjacent actively cultivated agricultural land. When the study identifies potentially significant impacts, the BZA may require reasonable mitigation measures, including building relocation, reduced building height, increased setbacks, reorientation of structures, or other site-design modifications.
5. 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 ($LA_{eq}-10\text{ min}$) and C-weighted ($LC_{eq}-10\text{ min}$) 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 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}) 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,

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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.

- c. Low-Frequency Resonance and Vibration Review:
 - i. The Applicant shall submit an analysis of anticipated low-frequency sound and ground-borne vibration from continuous facility operations. The analysis shall model the difference between simultaneous C-weighted and A-weighted equivalent continuous sound levels over a one-hour period at applicable property-line receptors. The analysis shall demonstrate that the projected LCeq minus LAeq difference does not equal or exceed fifteen (15) dB at an affected property line during representative peak operating conditions.
 - ii. The analysis shall separately identify potential ground-borne vibration sources and demonstrate compliance with the ground-borne-vibration standard in this Ordinance. A complaint alleging interior low-frequency noise, vibration, or structural rattle may be evaluated through a supplemental assessment by a qualified acoustical professional, conducted with the affected property owner's consent.
 - d. 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.
6. EMI/RFI Impact Statement
- a. Applicant shall submit a statement from a qualified engineer identifying the facility equipment reasonably anticipated to be subject to FCC equipment-authorization or EMI/RFI requirements and describing the design measures proposed to reduce the risk of harmful interference.
 - b. The facility shall not cause harmful interference to authorized radio communications, including public-safety communications, as that term is defined and applied under applicable FCC rules.
 - c. The facility shall not cause harmful interference to authorized Citizens Band Radio Service communications, agricultural radio communications, amateur radio communications, broadcast reception, or other lawful radio communications used on adjoining or nearby properties.

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- d. Upon receipt of a documented complaint alleging interference with an authorized radio communication, including a Citizens Band Radio Service communication used for agricultural operations, the Executive Director may require the Operator to cooperate in a source-attribution investigation by a qualified engineer or other appropriate professional. The investigation may include review of facility operating records, equipment specifications, and field measurements at or near the affected receiving location.
 - e. If the investigation reasonably demonstrates that Data Center equipment is the source of harmful interference, the Operator shall submit and implement a corrective-action plan under this Ordinance.
- 7. Thermal Impact Analysis
 - a. Applicant shall submit a Thermal Impact Analysis prepared by a qualified professional engineer or qualified climatologist. The analysis shall evaluate heat rejected from the proposed cooling infrastructure, including cooling towers, dry coolers, exhaust fans, and other mechanical equipment, under reasonably foreseeable peak operating conditions.
 - b. The analysis shall identify the modeling methodology, input assumptions, meteorological data source, receptor locations, equipment operating scenarios, and proposed measures to minimize off-site thermal impacts.
 - c. The Applicant shall design and operate the facility using reasonable and feasible measures to minimize sustained off-site heat impacts, including equipment siting, exhaust orientation, screening, setback, cooling-system design, and operational controls.
 - d. If the analysis identifies a material potential for off-site thermal impacts on an adjoining property, public right-of-way, or sensitive receptor, the APC may require reasonable mitigation measures as a condition of Development Plan approval.
- 8. Air Quality Modeling Requirement
 - a. The Applicant shall identify all proposed stationary emission sources, including emergency generators, fuel-fired equipment, and associated exhaust systems.
 - b. Before issuance of an Improvement Location Permit, the Applicant shall provide documentation of all applicable IDEM air-permit registrations, permits, exemptions, determinations, or other required authorizations for the proposed emission sources.
 - c. Where an air-dispersion modeling analysis is required by IDEM, EPA, or another agency with jurisdiction, the Applicant shall provide the County with a copy of the completed analysis and the applicable agency's approval, determination, or permit documentation.
 - d. All emission sources shall be designed, installed, operated, maintained, and tested in compliance with applicable federal and state air-quality laws, rules, permits, registrations, and operating limitations.
 - e. The County may require reasonable site-design or operational mitigation measures within its zoning authority to address documented local impacts, provided that such measures do not conflict with an applicable state or federal permit, rule, or agency determination.

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9. APC Review and Approval of Preliminary Development Plan

- a. Upon completion of the independent technical review and coordination with the Technical Advisory Committee (TAC), the Applicant shall submit the Preliminary Development Plan, all required studies, and the consultant's findings to the Franklin County Area Plan Commission (APC) for review.
- b. The Applicant shall not proceed to preparation, submission, or consideration of a Final Development Plan until the APC has reviewed and formally approved the Preliminary Development Plan.
- c. APC approval may be conditioned upon revisions, supplemental studies, mitigation measures, infrastructure improvements, or other requirements necessary to address identified impacts. All conditions of Preliminary Development Plan approval shall be incorporated into the Final Development Plan.
- d. Approval of the Preliminary Development Plan does not constitute approval of the Final Development Plan, issuance of an Improvement Location Permit, or authorization to begin construction.

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 any voluntary Community-Benefit Agreement, if offered and accepted, shall be finalized separately and shall be signed by the Commissioners within a set timeframe prior to start of construction.
3. Utility Service Commitments
 - a. Water Service. The Applicant shall provide a written Letter of Availability or equivalent written service commitment from the applicable public water utility. The commitment shall identify the facility's approved service connection, available capacity, applicable conditions of service, and any required system improvements.
 - b. Electric Service. The Applicant shall provide a written Will-Serve Letter or equivalent service commitment from the applicable electric utility. The documentation shall identify the anticipated electric load, proposed point of service or interconnection, applicable conditions of service, and any required onsite or applicant-funded utility improvements.
 - c. Required Approvals. The Applicant shall provide evidence that all required utility interconnection approvals, right-of-way or easement rights, and applicable local, state, and federal permits or regulatory approvals have been obtained or are actively being pursued before issuance of an Improvement Location Permit.
 - d. Other Energy Sources. If the facility will use natural gas, propane, hydrogen, renewable fuels, or another primary, supplemental or backup energy source, the Applicant shall provide a written Will-Serve Letter, supply agreement, Letter of Availability, or equivalent service commitment from the applicable

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utility, supplier, pipeline operator, or other service provider. The documentation shall identify the anticipated peak and annual demand, approved point and method of delivery or interconnection, committed capacity, applicable conditions of service, and any required distribution, transmission, storage, delivery, or applicant-funded system improvements. The Applicant shall also provide evidence of all required approvals for associated onsite generation, fuel storage, emissions-control, delivery, and safety infrastructure.

4. Water Use and WUE
 - a. The Final Development Plan application shall include a Water Use and WUE Plan satisfying all submission, engineering, utility-capacity, metering, monitoring, and reporting requirements of Section E.2, Water Usage Effectiveness and Water-Use Limits, for each proposed phase and ultimate buildout.
 - b. Before Final Development Plan approval, the Applicant and the County shall negotiate the phase-specific WUE standard and any interim efficiency targets in accordance with Section E.2. The negotiated standards shall be supported by the engineering information and technology-efficiency criteria required by that section.
 - c. The approved Final Development Plan shall identify, for each phase:
 - i. The approved cooling technology;
 - ii. The maximum rolling twelve-month WUE;
 - iii. Any interim, commissioning, or technology-specific efficiency targets;
 - iv. Maximum annual, daily, and hourly water-use limits;
 - v. Approved water sources and documented utility capacity;
 - vi. Required water-conservation, recirculation, reclamation, or reuse measures; and
 - vii. Applicable metering, monitoring, reporting, auditing, and corrective-action requirements.
 - d. The requirements established under subsection (c) are enforceable conditions of Final Development Plan approval.
 - e. The Final Development Plan shall not be approved unless the reviewing body finds that the Water Use and WUE Plan complies with Section E.2 and that sufficient water and utility capacity are available for the proposed phase.
 - f. Approval is limited to the phase, building footprint, cooling technology, information-technology load, and operating conditions identified in the approved Final Development Plan. A material change to any approved component or standard requires a Development Plan amendment and compliance with Section E.2.
5. 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.
 - b. The plan shall define how personnel will prepare for, respond to, communicate during, and recover from emergency events. The plan shall

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establish clear roles, escalation paths, coordination procedures, training expectations, and periodic review requirements to support the safety of personnel, protection of assets, and continuity of critical services.

6. 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.
7. APC Review and Approval of Final Development Plan
 - a. Following the independent consultant's secondary review and coordination with the Technical Advisory Committee (TAC), the Applicant shall submit the Final Development Plan and all required supporting materials to the Franklin County Area Plan Commission (APC) for review and approval.
 - b. The Applicant shall not commence construction, receive an Improvement Location Permit, or undertake site preparation or other development activities until the APC has formally approved the Final Development Plan.
 - c. The APC may approve, approve with conditions, continue, or deny the Final Development Plan. Any conditions of approval, including required mitigation measures, utility improvements, road improvements, emergency-response requirements, and commitments carried forward from the Preliminary Development Plan, shall be incorporated into the approved Final Development Plan and shall be binding upon the Applicant.
 - d. The County shall evaluate whether adequate water and electric utility service is reasonably available to serve the proposed development. Nothing in this Section requires a utility to guarantee electricity rates, system-wide reliability, curtailment outcomes, or service conditions for other customers.
 - e. Any material deviation from the APC-approved Final Development Plan, including changes to site layout, building footprint, utility infrastructure, access points, drainage, landscaping, or mitigation measures, shall require review and approval by the APC before implementation.

I) Improvement Location Permit (ILP) and Construction

1. The Applicant shall provide proof of application or approval for all applicable County, State and Federal permits or contracts.
2. Coordination Meetings-Design, Planning and Construction
 - a. In addition to the APC requirements defined in this ordinance for review of the Preliminary and Final Plan, a review between the developer and designated county officials shall be conducted at the following milestones as a minimum:
 - i. 30% Design Review
 - ii. 80% Design Review
 - iii. Preconstruction

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- iv. Bi-monthly during construction
 - v. At substantial completion of project
 - vi. Final closeout of project
 - 3. Pre-Construction Stormwater Stabilization and Control Requirements
 - a. Prior to the commencement of any land-disturbing activities, bulk grading, or clearing, the applicant shall fully implement all initial perimeter sediment controls, stabilized construction entrances, and buffer protections as detailed in the approved Stormwater Pollution Prevention Plan (SWPPP) and in accordance with the Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP). No widespread clearing or excavation may begin until these initial stabilization measures have been installed and verified.
 - 4. Change Orders During Construction
 - a. Changes that deviate from the approved Development Plan must be reviewed by the county and /or its independent consultant.
 - b. Changes that materially impact the scope of the project, as determined by the county representative(s) may result in re-submittal of the development plan.
- 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:
 - 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 onsite 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.
 - 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:

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- 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. Noise Monitoring and Compliance Verification
- a. Prior to issuance of a Final Certificate of Occupancy, the Applicant shall submit a Noise Monitoring and Compliance Verification Plan for approval by the Executive Director. The plan shall provide for ongoing verification of compliance with the acoustic performance standards of this Ordinance.
 - b. The monitoring system shall use professionally appropriate equipment and methods capable of reliably measuring applicable sound levels at representative property-line locations. The number and placement of monitoring locations shall be based on site acreage, topography, equipment locations, adjacent land uses, and sensitive receptors.
 - c. The facility operator shall retain monitoring records, equipment calibration records, maintenance records, and compliance reports for a minimum of three (3) years. Such records shall be made available to the Executive Director or APC upon written request.
 - d. Monitoring data may identify a potential exceedance and trigger further review; however, an automated alert or isolated sound-level reading shall not by itself establish an ordinance violation. The County shall verify the event using applicable monitoring data, site-operating information, meteorological conditions, and source-attribution review.
 - e. The Executive Director may require an independent acoustical compliance audit when monitoring data indicates repeated potential exceedances, upon a documented complaint, following a material equipment modification, or at reasonable periodic intervals established as a condition of approval. The audit shall be conducted by a qualified acoustical professional at the Applicant's expense.

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K) Enforcement and Civil Penalties

1. Continuing Compliance Obligation.
 - a. Compliance with this Ordinance, an approved Development Plan, an Improvement Location Permit, a Certificate of Occupancy, and any condition of approval is a continuing obligation of the Owner, Applicant, and Operator, as applicable (collectively, the “Responsible Parties”).
 - b. Violations may be addressed through a Notice of Violation, civil penalties, stop-work or corrective-action orders, suspension or revocation of an approval or permit where authorized by applicable law and the Franklin County Zoning Code, common-nuisance enforcement, injunctive relief, or any other remedy authorized by law.
2. Notice of Violation and Opportunity to Cure.
 - a. Except for an emergency order issued under subsection 6, the Executive Director shall issue a written Notice of Violation (“NOV”) before seeking civil penalties or other enforcement action.
 - b. The NOV shall be served by certified mail, personal delivery, or another method authorized by the Franklin County Zoning Code, and shall include:
 - i. The identity of the Responsible Party or Parties;
 - ii. A description of the alleged violation and the applicable ordinance provision, permit condition, Development Plan condition, or agreement provision;
 - iii. The evidence supporting the alleged violation, including applicable inspection records, monitoring data, measurement data, photographs, or operating records;
 - iv. The corrective action required;
 - v. The applicable cure period;
 - vi. Notice of the potential civil penalty or other enforcement action; and
 - vii. Instructions for requesting administrative review or appeal.
 - c. Unless a different period is reasonably necessary based on the nature and severity of the violation, the following cure periods apply:
 - i. Level 1 - Administrative Violations. A Responsible Party shall have seven (7) calendar days after receipt of the NOV to submit missing records, reports, certifications, or other required documentation, or to cure another administrative deficiency.
 - ii. Level 2 - Operational Violations. A Responsible Party shall have forty-eight (48) hours after receipt of the NOV to correct an operational violation, including an exceedance of an applicable noise, vibration, lighting, water-use, or other performance standard.
 - iii. Level 3 - Critical, Safety, or Utility-Resource Violation. A violation or documented condition that:
 - a. Creates or is reasonably likely to create an imminent and substantial threat to human life, public health, public safety, or the environment;
 - b. Causes an unauthorized discharge or release or a serious fire- or life-safety failure; or

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- c. Causes, materially contributes to, or creates an imminent risk of materially depleting, disrupting, or impairing the availability, reliability, capacity, or delivery of utility resources serving Franklin County, including electricity, potable water, wastewater-treatment capacity, natural gas, telecommunications, or another essential public utility resource. Depletion, disruption, or impairment is defined or determined by the appropriate utility provider based on its applicable standards, system capacity, operating requirements, or service conditions.
 - iv. Extended Cure Period. The Executive Director may approve a reasonable extension upon written request when the Responsible Party demonstrates that compliance cannot reasonably be achieved within the initial cure period and that prompt, good-faith corrective action is underway. An extension shall not be granted for a condition posing an imminent threat to public health, safety, or the environment.
- 3. Administrative Review and Appeal.
 - a. A Responsible Party may file a written appeal of an NOV, civil-penalty determination, or emergency order with the Board of Zoning Appeals, or other body designated by the Franklin County Zoning Code, within ten (10) calendar days after receipt of the challenged action.
 - b. A timely appeal of a NOV or civil-penalty determination stays the accrual and collection of civil penalties pending final administrative review. The appeal does not stay an emergency order, stop-work order, or other action necessary to address an imminent threat unless the reviewing body orders otherwise.
 - c. At the appeal hearing, the Responsible Party may present evidence, be represented by counsel, and otherwise exercise the procedural rights provided by the Franklin County Zoning Code and applicable law.
- 4. Violation Classifications and Civil Penalties.
 - a. Each day a violation continues after expiration of the applicable cure period constitutes a separate violation.
 - b. Civil penalties shall be imposed only following the notice and review procedures in this Section and in accordance with applicable law. Civil penalties shall not accrue or be imposed automatically.
 - c. No civil penalty assessed under this Section shall exceed the maximum amount authorized by Indiana Code § 36-1-3-8.
- 5. Common Nuisance and Permit Remedies.
 - a. A structure erected, raised, converted, or used, or land or premises used, in violation of this Ordinance or a condition of approval imposed under this Ordinance, is declared to be a common nuisance pursuant to Indiana Code § 36-7-4-1012.
 - b. Upon a documented violation, the County may refer the matter to the County Attorney or other authorized legal counsel for investigation and enforcement. The County may seek civil penalties, injunctive relief, abatement, or other remedies authorized by applicable law.

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- c. If a Level 2 violation remains uncured for more than fourteen (14) consecutive days after expiration of the applicable cure period, or if repeated violations demonstrate a material failure to comply with an approved Development Plan or permit condition, the County may initiate proceedings to suspend or revoke an Improvement Location Permit, Temporary Certificate of Occupancy, or Certificate of Occupancy, to the extent authorized by applicable law and the Franklin County Zoning Code.
 - d. Before suspending or revoking an approval or permit under subsection (c), the County shall provide written notice of the proposed action and an opportunity for a public hearing before the body authorized to take that action. The notice shall be provided at least ten (10) calendar days before the hearing and shall state the alleged violations, proposed action, and hearing procedures.
6. Emergency Orders.
- a. The Executive Director may issue a written emergency order without prior notice or hearing only when a documented condition presents an imminent threat to public health, safety, or the environment.
 - b. An emergency order shall identify the factual basis for the order and require only those actions reasonably necessary to address the imminent threat. The order may require cessation of specified equipment, operations, or site activities; however, a full-facility shutdown may be ordered only when lesser measures would not reasonably address the imminent threat.
 - c. The Responsible Party may request expedited review of an emergency order. Upon written request, the Board of Zoning Appeals, or other body designated by the Franklin County Zoning Code, shall conduct a hearing within five (5) business days to review, modify, continue, or vacate the emergency order.
 - d. An emergency order does not excuse compliance with applicable federal, state, or local laws, including fire-safety, environmental, utility, and emergency-response requirements.

Class	Violation Type	Illustrative Examples	Standard Cure Period	Maximum Civil Penalty
Level 1	Administrative	Failure to submit required monitoring records, utility-use reports, certifications, or inspection documentation	7 Calendar Days	Up to \$500 for each continuing day after the cure period
Level 2	Operational	Exceedance of an applicable performance standard; failure to implement an approved mitigation measure; operation inconsistent with an approved Development Plan	48 hours, unless extended under subsection 2(c)(iii)	Up to \$2,500 for the first violation and up to \$7,500 for each second or subsequent violation
Level 3	Critical, Safety or Utility Resource	<u>A condition creating an imminent and substantial threat to life, public health, public safety, or the environment; an unauthorized discharge or release; a serious fire or life safety failure</u>	No cure period required before emergency action	Emergency action and civil penalties as authorized by law

Table 3: Violation Classifications and Civil Penalties

L) DATA CENTER APPLICATION CHECKLIST

1. Administrative and Fiscal — Initial Filing

- ☐ Application fee.
- ☐ Professional-services escrow deposit required to begin independent review.
- ☐ Project overview, including acreage, GIS coordinates, and legal description.
- ☐ Preliminary public-water capacity or availability statement.
- ☐ Preliminary electric-service assessment, grid-impact study, or electric-utility Letter of Availability.
- ☐ Other Energy Sources and Infrastructure written availability statement (if required)

2. Preliminary Development Plan — Technical Review / APC Approval

- ☐ Campus layout showing primary and ancillary structures, BESS facilities, storage yards, substations, switching yards, transformers, and other utility infrastructure.
- ☐ Infrastructure map showing proposed transmission lines, towers, substations, switching yards, transformers, utility corridors, and associated easements.
- ☐ Telecommunications-access corridor map or documentation of fiber access or easements.
- ☐ Vicinity map.
- ☐ Landscape-buffer, berm, screening, and security-fence design.
- ☐ Fire and EMS access design, including turning radii and vehicle weight capacities.
- ☐ Community Impact Analysis.
- ☐ Traffic Impact Analysis, including onsite vehicle stacking, construction sequencing, construction traffic, and proposed haul routes.
- ☐ Fuel Logistics and Onsite Staging Plan.
- ☐ Agricultural Shadow-Impact Study.
- ☐ Pre-Development Acoustic Analysis and Predictive Propagation Model.
- ☐ Acoustic Mitigation Plan, if the acoustic analysis identifies a potential exceedance.
- ☐ Low-frequency sound and ground-borne-vibration analysis.
- ☐ EMI/RFI Impact Statement and qualified-engineer certification.
- ☐ Thermal Impact Analysis.
- ☐ Air-quality and stationary-emission-source analysis, including emergency generators, fuel-fired equipment, and associated exhaust systems.
- ☐ BESS Hazard-Mitigation Analysis.

3. Final Development Plan — APC Approval

- ☐ Final Development Plan and site plan, including final placement of ancillary equipment, fuel storage, cooling technology, water source, water-use limits, WUE targets, BESS facilities, utility infrastructure, emergency shutoffs, and fire-protection features.
- ☐ Project Lifecycle Agreement, only when required by the approved Final Development Plan or a condition of approval.
- ☐ Any applicable Construction Management Plan, third-party review or inspection escrow, Road Use and Repair Agreement, Drainage Facilities Agreement, Decommissioning and Site Restoration Plan, financial assurance, insurance, or infrastructure commitment required by the approved Final Development Plan, a condition of approval, or the Project Lifecycle Agreement.
- ☐ Evidence that required utility interconnection approvals, easement or right-of-way rights, and applicable regulatory approvals have been obtained or are actively being pursued.
- ☐ Projected annual water consumption, peak daily demand, peak hourly demand, and Water Usage Effectiveness for each phase and ultimate buildout.
- ☐ Drought Contingency and Curtailment Plan.
- ☐ Fluid Management and Disposal Plan.

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- ☐ Final fuel-storage and delivery-infrastructure documentation, including an SPCC Plan if federally required or the ordinance-required statement of non-applicability, and proof of aboveground-storage-tank registration if required.
- ☐ Emergency Response Plan.
- ☐ Evidence that the BESS Hazard-Mitigation Analysis and Emergency Response Plan were submitted to the local fire department and Franklin County EMA for review and comment.
- ☐ Electronic Waste Lifecycle and Recycling Plan.
- ☐ Any supplemental study, mitigation measure, infrastructure commitment, or other condition required by Preliminary Development Plan approval.

4. Improvement Location Permit — Pre-Construction Requirements

- ☐ Evidence of Construction Stormwater General Permit (CSGP) coverage and Notice of Intent, where applicable.
- ☐ Construction Plan and Stormwater Pollution Prevention Plan (SWP3) prepared and reviewed in accordance with the CSGP, where applicable.
- ☐ Verification that required initial perimeter sediment controls, stabilized construction entrances, and buffer protections have been installed before land disturbance.
- ☐ Evidence that all outside-agency approvals expressly required before construction have been obtained, or evidence of pending approval when the ordinance permits an approval to remain in process.
- ☐ Documentation of applicable IDEM air-permit registrations, permits, exemptions, determinations, or other required authorizations for proposed stationary emission sources.

5. Temporary and Final Certificate of Occupancy Requirements

- ☐ Comprehensive as-built site map showing fire and EMS access routes, emergency shutoffs, high-voltage infrastructure, fuel and chemical storage, BESS facilities, fire-protection systems, and noise-monitoring locations.
- ☐ BESS Operations, Inspection, and Maintenance Plan.
- ☐ Post-Construction Noise Audit.
- ☐ Post-Construction Ground-Vibration Audit.
- ☐ Post-Construction Lighting and Glare Audit.
- ☐ Noise Monitoring and Compliance Verification Plan.
- ☐ Any required remediation plan and follow-up compliance audit.
- ☐ Industrial Stormwater General Permit coverage, individual NPDES permit, or IDEM-approved exclusion or non-applicability determination, if required for facility operations.
- ☐ Operational stormwater pollution-prevention plan and monitoring documentation, if required by the applicable permit.
- ☐ Air Quality Monitoring Plan to track and log real-time emissions as required by regulatory agencies.

6. Utility, State, and Federal Requirements — Reference Only

The following approvals may be required by another agency or utility. Their inclusion does not create an independent County submittal requirement unless another provision of this ordinance or a lawful condition of approval expressly requires evidence of the approval.

- ☐ Electric utility: Interconnection agreement, service agreement, easement or right-of-way approval, and system-upgrade agreement, if applicable.
- ☐ Indiana Utility Regulatory Commission: Filing, approval, or agreement required by the applicable tariff or state utility regulation.
- ☐ Indiana Department of Homeland Security: Building-plan review and Construction Design Release, where required.

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- ❑ IDHS, State Fire Marshal, or local fire authority: Fire-protection, fuel-storage, generator, BESS, hazardous-material, or emergency-access approval or permit, where required.
- ❑ IDEM or applicable wastewater utility: Industrial, wastewater, process-water, or NPDES discharge authorization, if applicable.
- ❑ U.S. Army Corps of Engineers and IDEM: Section 404 permit, Section 401 Water Quality Certification, wetland authorization, or stream-impact approval, if applicable.
- ❑ Indiana Department of Natural Resources: Floodway-construction permit, floodplain authorization, water-withdrawal authorization, or other natural-resource approval, if applicable.
- ❑ INDOT or County Highway Department: Driveway or access permit, right-of-way permit, utility-accommodation permit, haul-route approval, or oversize/overweight vehicle permit, if applicable.
- ❑ Federal Communications Commission: Compliance with 47 CFR Part 15 and other applicable equipment or communications requirements.
- ❑ Other federal, state, local, utility, or regulatory authorization required for the proposed site, construction, operation, discharge, fuel storage, or utility infrastructure.

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SECTION 80.13.H DEFINITIONS

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. 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.
2. 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.
3. 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.
4. 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.
5. Data Center Power Infrastructure: Any stationary equipment, hardware, or system located onsite or on an adjacent dedicated parcel used to generate, convert, store, transform, or transmit electrical energy for primary, supplemental, or standby operation of a data center facility. This includes, but is not limited to, the specific system classifications defined below.
 - a. Primary Utility Grid Supply: Standard electrical transmission, distribution lines, switchyards, and interconnected substations receiving primary operational electrical power directly from a regulated public electrical utility grid.
 - b. Onsite Primary Power Systems: Any power generation equipment or facility located onsite, or on an adjacent dedicated parcel, that generates, supplies, or delivers primary, continuous, baseload, or peak-shaving electrical power directly to the data center facility ("behind-the-meter" or "over-the-fence" power). This includes, but is not limited to, industrial gas turbines, reciprocating internal combustion engines (RICE), fuel cells, microgrids, solar arrays, or direct-wire private power plants.
 - c. Energy Storage Systems (ESS): Any utility-scale battery energy storage system (BESS), kinetic flywheel, thermal storage, or chemical energy storage infrastructure installed to store, regulate, or discharge electrical power for primary, supplemental, or backup facility operations.

Deleted: ~~<#>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.~~

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d. Emergency / Standby Power Systems: Stationary power generation units (such as diesel or natural gas backup generators) installed, maintained, and operated strictly to supply temporary electrical power during active public utility grid outages, critical system failures, or mandatory regulatory readiness testing.

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).
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, persons, corporate entity, or entities that are the developer and/or owner of the project who prepare and file the initial application with the applicable approval body. This term shall include all successors, assignees, and corporate successors and assignees of the initial Applicant. The term "Applicant" shall not include any person or entity that signs the application solely in the capacity of an owner of an interest in real property on which a project is to be located, provided they retain no operational or equity interest in the data center development itself. When utilized within this Ordinance to affix structural liability, operational compliance, or execution of a binding agreement, contract, or performance obligation, the obligations of the Applicant shall apply jointly and severally to the corporate Owner and the designated Facility Operator.
2. Franklin County Zoning Code: Area Zoning Code of Franklin County, Indiana
3. Community-Benefit Agreement (CBA): A separate, voluntary agreement between an Applicant and the Franklin County Commissioners addressing community benefits that are not otherwise required as a condition of zoning approval, Development Plan approval, or issuance of an Improvement Location Permit. A CBA may address

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matters such as workforce training, emergency-service support, educational partnerships, infrastructure assistance, or sustainability commitments exceeding applicable legal requirements. Once executed, a CBA is binding according to its terms. Any financial contribution shall be received, deposited, allocated, and administered in accordance with applicable law and the terms of the agreement.

4. Complete-Application Date: The date on which the Executive Director determines, in writing, that an application contains all information, plans, studies, fees, escrow deposits, signatures, and other materials required by this Ordinance and the applicable application procedures for the requested approval. The Complete-Application Date shall not be established until any required application fee and escrow deposit have been received.
5. 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.
6. 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.
7. County: Franklin County, Indiana.
8. 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.
9. Executive Director: The Executive Director of the Area Plan Commission.
10. Financial Assurance: Financial assurance means cash escrow with the County.
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 industry-recognized certifications relevant to the specific scope of work.
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 onsite 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

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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. Roadway, County Arterial: A county arterial is engineered and constructed to carry high-volume, higher-speed regional traffic, designed to connect major commercial, industrial, or municipal hubs to the state highway system. Its primary function is traffic mobility, characterized by wider rights-of-way, heavy-duty pavement designs capable of supporting heavy commercial vehicle wheel loads, and restricted direct access (driveway curb cuts) to adjacent private properties to preserve traffic safety and flow. It excludes roads classified as local residential streets, minor collectors, or subdivision roads.
19. Surety Bond: A surety bond is a legally binding contract that guarantees a specific obligation will be fulfilled. If the party responsible for the work fails to meet their obligations, the bond protects the party who requested the work by providing financial compensation.
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 Letter or Equivalent Utility Service Commitment: A written statement from the applicable electric utility confirming that the utility has reviewed the proposed Data Center's anticipated electrical load, proposed point of service or interconnection, and requested service schedule. The statement shall identify, to the extent available, the utility's existing or planned capacity; required system upgrades, facilities, easements, or interconnection agreements; conditions of service; and any required regulatory approvals. A Will-Serve Letter does not require the utility to guarantee electric rates, future system-wide reliability, curtailment outcomes, or service conditions for other 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:
 - 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.

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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}): 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° 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/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. Prominent Discrete Tone (Tonal Noise): A sound that is concentrated in a narrow frequency range, perceived as a hum, whine, or buzz. A sound meeting the frequency-dependent tonal criteria in ANSI/ASA S12.9-2005/Part 4, Annex C, as may be amended or superseded. For one-third-octave-band analysis, a tone is present when the sound-pressure level in the band of interest exceeds the arithmetic average of the sound-pressure levels in the two adjacent bands by at least fifteen (15) dB at center frequencies from 25 through 125 Hz, eight (8) dB at center frequencies from 160 through 400 Hz, or five (5) dB at center frequencies from 500 through 10,000 Hz.
12. Water Usage Effectiveness (WUE): A metric measuring a Data Center's operational water efficiency, expressed as liters of water consumed per kilowatt-hour of electrical energy delivered to information-technology equipment (L/kWh). WUE shall be calculated for each approved development phase and for the facility as a whole using the methodology in this Section.
13. Water Use and WUE: Plan for each phase and ultimate buildout, including projected annual and peak water demand; water sources and uses; proposed cooling and conservation technology; proposed interim and final WUE targets supported by engineering data and industry benchmarks; utility-capacity documentation; and proposed metering, monitoring, reporting, abnormal-operation, and corrective-action procedures — E.2, Water Usage Effectiveness and Water-Use Limits.