# Shelby County
# Plan Commission

# June 23, 2026, at 7:00 PM

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# MEETING AGENDA

## Shelby County Plan Commission
## June 23, 2026

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

Minutes from the May 26, 2026, meeting.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**RZ 26-11** – **DATA CENTER OVERLAY DISTRICT TEXT AMENDMENT:** Unified Development Ordinance Text Amendment of Article 2, to add Data Center Overlay District and Standards. Applies to unincorporated Shelby County.

**DISCUSSION**

None.

**ADJOURNMENT**

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday**, July 28, 2026,** at **7:00 PM.**

## Meeting Information

**Location:** Auditorium of the Shelbyville High School 2003 S. Miller Street, Shelbyville, Indiana
**Time:** 7PM
**Zoom Link:** https://us06web.zoom.us/j/86301586460?pwd=sOB8ExORu8yOyEABGa59KQnmlsNqwP.1
**Password:** Shelby

## Board Members & Staff

**Kevin Carson, President:** Appointed by County Commissioners, Term 1/1/25 – 1/1/29
**Jason Abel, Vice President:** Commissioners Representative
**Megan Hart, Secretary:** Appointed by County Commissioners, Term 1/1/23 – 1/1/27
**Jeremy Ruble, Member:** Council Representative
**Jeff Powell, Member:** County Surveyor
**Jenna Martin, Member:** Appointed by County Commissioners, Term 1/1/26 – January 1/1/30
**Alicia Barr, Member:** Appointed by County Commissioners, Term 1/1/25 – 1/1/29
**Andrew Newkirk, Member:** Appointed by County Commissioners, Term 1/1/25– 1/1/29
**Desiree Calderella, Planning Director**
**Jody Butts, Board Attorney**

In accordance with the **Americans with Disabilities Act**, if anyone wishes to attend the public meeting on the above referenced matter and is in need of reasonable accommodations in order to attend, hear, or present evidence at the public meeting on this matter, for accommodations contact the Shelby County Plan Commission 25 W Polk St, Shelbyville, IN 46176 317-392-6338

Shelby County Plan Commission

# Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

# RZ 26-11 Unified Development Ordinance Text Amendment – DCO – Data Center Overlay District.

## Background

The Shelby County Commissioners have adopted a resolution imposing a moratorium on the filing, processing, review, and acceptance of new applications for Data Centers while the County develops an ordinance regulating this land use. The Commissioners have emphasized the need to have enforceable regulations in place, developed in a transparent manner and which incorporate public input, prior to development of community altering projects. Note that exceptional planning takes into consideration all forms of public input, weighs conflicting opinions accordingly, and renders decisions in a manner that strikes a balance between protecting the individual rights of citizens and promoting the overall good of the community.

The Commissioners have contracted with Deborah Luzier of Code Crafters to draft the ordinance. Ms. Luzier serves as the Legislative and Policy Committee chair of the Indiana Chapter of the American Planning Association and has more than 30 years of experience in writing and updating land use codes in Indiana.

The Commissioners established an Ordinance Review Committee including government officials, utility providers, and community leaders, to discuss the proposed ordinance. The current ordinance draft for review by the Plan Commission incorporates revisions to the initial draft suggested by members of the committee. The committee came to a consensus on most items included in the draft.

## Key Ordinance Contents

- Development of a data center will require approval of a rezoning to the Data Center Overlay District. Rezoning approval requires a public hearing before the Plan Commission and final approval by the County Commissioners.

- Any data center must comply with all Data Center Overlay District requirements. Any deviation from the requirements would require a public hearing and review and approval by the Board of Zoning Appeals.

- The County must approve a data center development plan in compliance with all Data Center Overlay District requirements prior to development of a data center. The development plan requires several studies and plans (see section 3.23). The County will have the ability to choose a qualified consultant to submit all plans and charge the data center developer for the service.

- Data Centers will be prohibited in the following areas:
    - On lands with slopes over 20% or which are prone to flooding, soil, or geologic instability.
    - Where the disposal or release of any hazardous substance, pollutant, or contaminant from a Data Center could affect karst terrain.
    - Where the structure or facility will restrict the flow of a 100-year flood, reduce the temporary storage capacity of the floodplain, or be placed in a manner likely to increase flood frequency, velocity, or heights so as to pose a risk or hazard to human health, property, wildlife, or land or water resources.
    - In wetlands or within 50 feet of the boundary of any wetland.
    - Within 2 miles of Protected Wildlife.
    - On Prime Farmland, or Farmland of Statewide Importance.
    - Where such facilities may cause or contribute to the taking of a threatened or endangered species or adversely affect critical habitat.
    - In areas that do not have access to public utilities.
    - On lots greater than 200 acres.

- Written verification required from all utility providers, including electric, water, and sewer, that the utility can adequately service the data center without adverse impact to residential customers. Additionally, the cost of all needed infrastructure is borne by the data center developer.

- Setbacks
    - Minimum of 1,300 feet from any residential zoning district, residential dwelling, school, preschool, daycare center, in-home daycares, long term care facilities, retirement and nursing homes, community centers place of worship, public park, public or institutional buildings or facilities, hospitals or other medical care facilities, or agricultural operations.
    - Minimum of 500 feet from any external perimeter property line.
    - Trees and berms required within the setback area and adjacent to facilities to provide screening and noise control.
    - Setbacks may be reduced up to 50% with consent of adjacent landowners.

- Significant light mitigation measures required. Light measured at any external perimeter property line shall not exceed 0.1 footcandle.

- Architectural standards for buildings and a maximum building area of 40,000 square feet.

- Liquid cooling must utilize a closed-loop system. Private wells cannot supply water, and water must be discharged into a sewer system in accordance with all local, state, and federal water treatment standards.

- Decommissioning Plan required. Generally, the requirements which apply to decommissioning of County commercial solar energy facilities would also apply to data centers.

- Significant noise mitigation measures required. Noise shall not exceed 40 dBA or 60 dBC between 6:00 p.m. and 8:00 a.m. and shall not exceed 45 dBA or 65 dBC at any other time at any external perimeter property line. Noise monitoring and pre-construction and post-construction noise assessments required. Backup generators shall be tested no more than once per week per unit, and only during the hours of 12:00 p.m. to 5:00 p.m., Monday through Friday.

## Ordinance Applicability

The ordinance would only apply to development of future data center projects in the unincorporated area of Shelby County. The ordinance would not limit the ability of the City of Shelbyville or any other municipality from annexing area into the municipal limits for the purposes of development of a data center under the zoning code established by the municipality. The ordinance would also not apply to the proposed data center project within the city limits of Shelbyville. State code prohibits the County from taking any action regarding city annexation or projects.

## Approval Process

Per State Law, approval of a County zoning ordinance amendment requires a public hearing before the Plan Commission and an approval, denial, or approval with conditions recommendation of the document by the Plan Commission to the County Commissioners. The County Commissioners may then adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration.

## June 23, 2026, Plan Commission Meeting

The Plan Commission will review the ordinance draft at this meeting and suggest any revisions. The Planning Director will make any revisions requested by the Plan Commission before final vote on the ordinance at the July 28th Plan Commission meeting.

This is a public hearing, and any member of the public will have the opportunity to comment on the ordinance draft. However, in the interest of time and to promote an orderly meeting, the Commissioners have established specific rules for public comment:

- *Members of the public must sign up to speak either before the meeting or as they enter the meeting room*. Names will be called to speak in the order that each person signed up. To sign up ahead of time, please contact the Planning Department as noted below.
- *Comment will be strictly limited to 2 minutes per person.* At the discretion of the Planning Department, members of the public may combine their 2-minutes and designate a spokesperson. For spokesperson arrangements, please contact the Planning Department before the meeting as noted below.
- *Members of the public are encouraged to submit comments to the Planning Department prior to the meeting.* Any comments submitted to the Planning Department as noted below and before the meeting date will be forwarded to all Board members for consideration.
- *Comments should be limited to the ordinance draft.* Note that the County has no jurisdiction over the data center proposed within the city limits of Shelbyville or any actions taken by the City regarding the proposed data center.

Planning Department Contact Information
Desiree Calderella, Planning Director
dcalderella@co.shelby.in.us
317-392-6338

## July 28, 2026, Plan Commission Meeting (tentative)

The Plan Commission will vote on the final draft of the ordinance. This is also a public hearing, and the Commissioners will establish similar rules for public comment. Meeting date and location are tentative pending the decision at the June 23rd meeting.

## August 3, 2026, County Commissioners Meeting (tentative)

The County Commissioners will adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration. This meeting is open to the public. Meeting date and location are tentative pending the decisions at the Plan Commission meetings.

# Data Center Overlay District and Standards

### Establishment of the Data Center Overlay District (DCO)

*In Article 1, amend Section 1.17: Establishment of Overlay Districts to add the new overlay district:*

| | | |
|---|---|---|
| DCO | Data Center Overlay | This district is established to allow Data Centers provided they meet the standards established in Section 5.## of this UDO |

*In Article 3, add the new Data Center Overlay (DCO) District. Standards start with new Section 3.17##*

### 3.17 DCO District Intent, Effect on Uses, and Effect on Standards

A. District Intent. The Data Center Overlay District is intended to facilitate appropriate location, development, construction, installation, and decommissioning of Data Centers in a predictable manner that promotes and protects the safety, health, and welfare of the community.

The standards and requirements established herein are intended to define and regulate Data Centers in order to:

- minimize the impact on adjacent and surrounding properties;
- ensure compatibility with other adjacent and surrounding land uses;
- protect environmental resources and to assure that the correlative rights of landowners and lessors owning or leasing and hosting Data Centers are balanced with those of neighboring land and communities; and
- assure that the location, construction, operation, and decommissioning of Data Centers are undertaken in a manner that integrates the use into the surrounding built and natural environment.

The requirements of this section are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

B. Effect on Uses. All permitted uses in the base zoning district are permitted in the DCO District in addition to the ones below. All special exception uses permitted in the base zoning district are allowed as such in the DCO District.

- Data Center

C. Effect on Standards. The development standards from the base zoning district shall apply to the DCO District in addition to the development standards described in Section ##: DCO District Development Standards.

### 3.18 DCO District Applicability.

The following requirements apply to all land within the DCO District as defined in Section ## DCO: District Boundary. Under no circumstances shall a planned development or rezoning of property change the applicability of the DCO District's land use restrictions and additional development standards.

### 3.19 DCO District Boundary

The boundaries for the DCO District shall be as shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the DCO District.

### 3.20 Prerequisites for Establishment of a Data Center

A. Base Zoning. The base zoning for this overlay district to be applied to a lot shall be limited to only the High Intensity Industrial (I2) District or the High Impact (HI) District.

B. Development Plan Required. A Data Center shall only be allowed in the DCO District after Development Plan approval has been granted per Section 3.23##: Development Plan Requirements and Procedures of this ordinance.

### 3.21 General Requirements Relating to Location of a Data Center

No Data Center shall be located:

1. On lands with slopes over 20% or which are prone to flooding, soil, or geologic instability.
2. Where the disposal or release of any hazardous substance, pollutant, or contaminant from a Data Center could affect karst terrain.
3. Where the structure or facility will restrict the flow of a 100-year flood, reduce the temporary storage capacity of the floodplain, or be placed in a manner likely to increase flood frequency, velocity, or heights so as to pose a risk or hazard to human health, property, wildlife, or land or water resources.
4. In wetlands or within 50 feet of the boundary of any wetland.
5. Within 2 miles of Protected Wildlife.
6. On Prime Farmland, or Farmland of Statewide Importance.
7. Where such facilities may cause or contribute to the taking of a threatened or endangered species or adversely affect critical habitat.

### 3.22 Standards Applicable to Data Centers

A. Site Design Standards. Unless otherwise specified below, the District Development Standards for the underlying zoning district shall apply.

1. Buffering/Screening/Landscaping
    a. The setback area required under Section 3.22.A.6##: Setbacks shall serve as a buffer zone between the Data Center and the outer property boundary.
    b. No Data Center structures or facilities, except for fencing and signage, may be constructed within the setback areas, provided that within the first hundred feet of the setback area measured from the outer perimeter of the Data Center at the beginning of the setback area, parking areas may be constructed and interior surface roads may be located.
    c. Any parking or roads constructed within the setback areas shall be bermed and vegetated to shield off-site areas from glare and other visual impacts associated with the interior vehicular travel and parking. Any landscape buffer shall include an earthen berm with a minimum height of 8 feet and a grade no steeper than 2:1.
    d. Except as provided in subsections b and c above, no impervious surface is permitted within any landscape buffer except for access roads and sidewalks.
    e. All Data Center Accessory Use(s)/Structure(s) and Data Center Energy Systems shall be fully screened on all sides from all existing and planned public roads as well as adjoining properties, utilizing a mixture of screening materials, berms, and landscaping. Screening can be accomplished using any combination of existing vegetation, a newly planted vegetative screen, fence, screen wall, panel, parapet wall, or other opaque screen. Screening is not required where the principal building itself serves to effectively screen an accessory structure or building or energy system from adjacent roads and properties. A species of trees or shrubs shall be used that ensures visibility through the screening is blocked by at least 80% throughout the entire year. The effective screening height of the trees or shrubs shall be at least 5feet in height at the time of planting. The landscape buffer shall be a minimum of 25 feet in width and may be part of the minimum setback area.

f. Plantings should be provided in the setback area, as screening, at the main entrance of any Data Center primary building, in parking lots, and along the façade of the proposed Data Center.
g. The owner and operator of any Data Center shall have an affirmative and continuing duty to ensure that all buffering/screening standards and requirements are maintained on an ongoing basis.

2. Erosion Control. The site design shall incorporate applicable erosion control/stormwater management practices for the site.
3. Fencing for Perimeter Security. Fencing may be considered for security purposes but is not needed for land use compatibility if appropriate and effective screening, buffering, and landscaping are provided.
   a. Fences shall not exceed 10 feet in height above ground.
   b. Chain-link, slatted-insert, and barbed or razor wire fencing are not allowed along public streets or external perimeter property lines.
   c. Permitted fence materials include aluminum and iron.
   d. Video and/or audio surveillance shall be restricted to within external perimeter property lines and public right-of-way adjacent to or abutting the Data Center property.
4. Impervious Surface and Lot Coverage. Impervious surface and lot coverage shall be defined by the standards applicable to the Industrial zoning classifications..
5. Parking and Access
   a. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates and delivery, loading/unloading, and staging areas.
   b. Accommodate adequate parking at a minimum of 1 space per employee on the largest shift and 3 visitor spaces.
6. Lighting
   a. For the lighting of horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.
   b. For the lighting of non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded, and shall be installed, and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.
   c. The illumination measured line-of-sight and from any point on any external perimeter property line shall at no time exceed 0.1 footcandle.
   d. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
   e. Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.
   f. Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 10:00 p.m. or after regular business hours, whichever is earlier, or the use of motion sensor control, shall be permitted.
7. Setbacks.
   a. Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems structures or facilities, other than transmission and distribution powerlines, pipelines delivering electricity or natural gas to the property, signage, and ingress/egress for road and rail traffic, shall be located:

(1) At least 1,300 feet from a Sensitive Use or the boundary of any Residential Zoning District.
(2) At least 500 feet from all outer perimeter property lines of the Data Center regardless of the zoning classification of the adjacent property. These setbacks shall not apply to property lines that are interior to a Data Center site.
(3) Any emission point or exhaust stack from a Data Center Energy System whether for primary or backup power, shall be required to be at least 1,000 feet from the property boundary of any adjacent property and 2,000 feet from any Sensitive Use or the boundary of any Residential, Commercial or Agricultural District.
(4) Where necessary to comply with the noise limits provided in Section 3.22.C.6##: Noise of this ordinance at the exterior perimeter property boundary, due to site configuration, topography, and projected equipment noise, the Administrator may require greater setback distance.
(5) Voluntary Setback Reduction Waiver. The required setback distance may be reduced by up to 50% only if all of the following conditions are met:
(a) All property owners within 500 feet of the specified perimeter property line agree to a determined setback reduction(s).
(b) The developer installs fencing, landscaping, or other buffering at the property line where the setback is reduced to ensure Noise Levels are not exceeded at the property boundary.
(c) The agreed upon setback reduction is made in writing and recorded with the Shelby County Recorder. At a minimum, the recorded agreement shall include:
1. The agreed upon setback reduction(s);
2. A property map showing all property lines and agreed upon setback lines;
3. A legal description of each of the properties included in the agreement; and
4. That the setback reduction agreement runs with the property in perpetuity with the life of the DCO District.
(d)

b. Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems, other than transmission and distribution powerlines, shall be at least 2X the distance from any existing power line right-of-way line.

8. Lot Area. The maximum lot area for a DCO District shall be 200 acres.
9. Utility and Infrastructure. An application for Development Plan shall contain a Utility and Infrastructure Plan, which shall include:
a. A Site Plan showing all structures and facilities to be used or constructed to support the Data Center operations, including all water, wastewater, electric, natural gas, and other infrastructure, and public utility service facilities. Use of private water and wastewater facilities shall not be permitted.
b. Identification and description of any existing or proposed transmission lines and other facilities that would be required in order to connect the proposed facilities to the grid, and any permits or other approvals needed to support such construction.
c. Identification of any existing or proposed pipelines or gas transmission lines and other facilities that would be required in order to deliver natural gas or other gas or liquids to the facilities for use in heating or power generation.
d. A description of any power sources proposed to be constructed or sited and operated, including emissions profile, noise, copies of applications for any required state or federal air permits. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or other energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved only in accordance with any zoning regulations that allow and are applicable to such use.
e. Information concerning any proposed grid interconnection.
f. Documentation, including written verification from the applicable service providers, demonstrating that:
(1) Public utility capacity and related electrical infrastructure sufficient in size and capacity to provide

the maximum power requested by the Data Center use is or will be made available to ensure that the power requirements of the proposed project can safely be accommodated without adverse effect on the availability, reliability, quality, cost, or safety of the electric service to other customers;

(2) How the public utility plans to deliver power to the Data Center use (routing, overhead, substations, etc.);

(3) Any system designed for cooling and operation of the facility (whether by electricity, water, or other means) will meet all applicable standards of this ordinance as well as state and federal law;

(4) Water, stormwater, and wastewater management and treatment capacity sufficient in size and capacity to handle the maximum water usage requested by the Data Center use is or will be made available to ensure that the requirements of the proposed project can be safely accommodated without adverse effects on the availability, reliability, quality, cost, or safety of the water, wastewater, and stormwater management and treatment services to other customers; and

(5) Any enhancements or improvements required in order for such utility services to continue to be available without adverse effect or additional cost to existing customers will be in place before operation of the proposed project.

(6) The cost of all needed infrastructure is borne by the Data Center developer.

g. A description of the processes that will be used for management of all water, wastewater including equipment cooling, humidity maintenance, process, and sanitary wastewater, and stormwater run-on and run-off, in accordance with all local state, and federal requirements.

h. A statement of likely annual water usage and maximum annual water usage and how measures to reduce water consumption will be incorporated into the system design.

i. A statement of likely power usage and maximum power usage.

B. Structure Design Standards. Unless otherwise specified below, the District Development Standards for the underlying zoning district shall apply.

1. Architectural Standards.

a. All Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged. Data Center Accessory Use(s)/Structure(s) should be located to the side or rear of the Data Center Principal Use(s)/Structure(s).

b. Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Uses.

c. All building façades that face existing and/or planned public roads or face property used or zoned for residential use shall include these design features:

(1) A change in façade surface to include building material, pattern, texture, color, accent materials at least every 150 horizontal linear feet.

(2) Windows, doors, or similar fenestration, i.e., faux windows which shall be distributed both horizontally and vertically and comprise at least 30% of the façades.

(3) At least 1 main entrance that projects or is recessed from the main building plane and is differentiated from the remainder of the building façade by a change in building material.

(4) The main entrance of the building shall incorporate plantings a minimum of 50% of the length of the façade that must include a mix of evergreens, deciduous shrubs, grasses, or ferns. These plantings are in addition to any required buffers or landscaping requirements.

(5) All loading and unloading areas, including overhead doors, shall be oriented towards the side or rear property lines away from public roadways. Loading docks are not permitted in the front or street side yards and shall not be oriented towards the front property line.

(6) Varied materials, colors, and textures, particularly earthtones, are encouraged to create a high-

quality and non-obtrusive design.

d. All buildings must be constructed to minimize glare or reflection on adjacent properties and roadways and should use appropriate textured glass, anti-reflective coating, and screening. Data Center equipment may be ground mounted or roof top mounted.

2. Building Area Standards. The maximum area of a Data Center Principal Structure shall be 40,000 square feet.
3. Equipment Location Standards.
   a. Equipment used in any Data Center shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.
   b. All ground mounted equipment, including generators, fuel storage tanks, and utility substations, are prohibited from the front yard. Ground mounted equipment shall be located on a side farthest from any type of residential zone use and are not permitted adjacent to any property with a Zoning District permitting residential use, an existing residential development, or residentially used property.
4. Height Standards. Per the underlying zoning district.

C. Operational Performance Standards
   1. Cooling Requirements
      a. All liquid cooled equipment must be designed to utilize a closed-loop system.
      b. Water used for liquid cooling systems must come from a public or semi-public water system and not from any type of private well system.
      c. Water discharge from liquid cooling systems shall only occur after treatment (if required) and only to a public or semi-public sewage system in accordance with all applicable local, state, and federal water pretreatment, discharge permit requirements and in conformity with state water quality standards.
      d. In no event may the expelled water for a loop system be evacuated to streams, creaks, or ditches that outlet into creeks and/or rivers.
   2. Decommissioning. Any Data Center which has discontinued commercial operation for at least six (6) consecutive months shall be removed at the expense of the Data Center in compliance with a decommissioning plan approved by the County. The following standards apply:
      a. Decommissioning Plan. A Decommissioning Plan shall be submitted with the Development Plan application. The plan shall be prepared by a registered professional engineer, and contain the following:
         (1) The estimated decommissioning timeframe and cost of removal of all surface and subsurface physical improvements including but not limited to structures, foundations, conduit, equipment, interconnection facilities, roads, and fences;
         (2) Restoration of surface grade, soil, surface and subsurface drainage infrastructure, and vegetation to preconstruction conditions;
         (3) Disposal of all equipment and materials in compliance with Federal, State, and Local laws at the time of decommissioning;
         (4) An estimated decommissioning timeframe;
         (5) Decommissioning Cost Estimate in accordance with Section 3.15.T.2: ## of this UDO;
         (6) Financial Assurance for Decommissioning in accordance with Section 3.15.T.3: ## of this UDO;
      b. Decommissioning Cost Estimate.
         (1) The Data Center shall submit a decommissioning cost estimate for the gross estimated cost to decommission the Data Center in accordance with the decommissioning plan.
         (2) The cost estimate shall be prepared by a State licensed professional engineer chosen by the County.
         (3) The cost estimate shall be submitted in conjunction with the Development Plan application and updated every three years by a State licensed professional engineer chosen by the County.

(4) The Data Center shall reimburse the County for any analysis by the State licensed engineer and any other third party of the initial and updated decommissioning cost estimates.
(5) The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of equipment and materials.

c. Financial Assurance for Decommissioning.
(1) The applicant shall provide financial assurance for the total estimated cost of decommissioning , in accordance with Section 3.15.T.2: ## of this UDO. The cost estimate shall be no less than $25,00,000.00.
(2) The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company having an A or A+ rating reviewed and approved by the Plan Commission legal counsel.
(3) The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the Data Center become annexed.
(4) The bond shall be in place prior to issuance of an ILP and the Data Center shall submit an updated bond to the County every three years.

d. Repurposing of a Data Center Facility. Any Data Center which has discontinued commercial operation may submit a plan for reproposing of the facility within 6 months of discontinuation of commercial operation. This plan shall be approved by the Plan Commission and shall replace any Decommissioning Plan which applies to the Data Center.

e. Partial Decommissioning. If decommissioning is triggered for a portion, but not the entire Data Center, then the Data Center shall commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the Data Center; the remaining portion of the Data Center shall continue to be subject to the decommissioning plan. The Decommissioning Plan shall define the circumstances which would trigger partial decommissioning.

f. Amendments to the Decommissioning Plan. Any amendment to an approved decommissioning plan shall comply with all standards of this ordinance and shall be approved at the discretion of the Administrator.

3. Emergency Contact Information. Each Data Center shall provide 24-hour emergency contact signage visible at each access entrance. Signs shall include the company name (if applicable), the owner, operator, and/or representative's name, the telephone number, and the corresponding local power company's name and telephone number.

4. Energy Efficiency Considerations. Data Centers shall implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

a. Site Design. Select sites to:
(1) Minimize land disturbance,
(2) Maximize tree preservation,
(3) Minimize impervious surfaces, and
(4) Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

b. Energy/Resource Efficiency.
(1) Orient buildings to take advantage of passive cooling and daylight opportunities
(2) Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
(3) Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
(4) Utilize reclaimed water for cooling, if available
(5) Encourage systems that limit the use of finite natural resources and their disposal
(6) Incorporate water-efficient landscape materials
(7) Utilize LED exterior/interior lighting
(8) Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative

and U.S. Green Building Council's LEED Certification system.

c. Demonstration that for any proposed battery storage or storage of any other device or group of devices capable of storing energy for supply at a later time, whether the energy is stored for use on-site or off-site, compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and include fire suppression systems designed specifically for battery storage. Long duration storage systems shall be utilized (10 hours of storage minimum) and lithium ion batteries creating a fire hazard are not permitted.

5. Generator and Testing Requirements
   a. Backup power generation using, natural gas, or Battery Energy Storage Systems are allowed for use at a Data Center. Use of diesel fuel is not permitted.
   b. Backup gas turbines shall utilize Catalytic Reduction (SCR) systems using ammonia as the catalyst.
   c. Except for generator testing or commissioning activities, generator use shall be limited to backup and emergency use only when the primary source of electricity is interrupted or unavailable. Continuous generator use outside of power outages or interruptions is prohibited.
   d. Generators shall be tested no more than once per week per unit, and only during the hours of 12:00 p.m. to 5:00 p.m., Monday through Friday.
6. Noise. All Data Centers shall meet the following minimum standards:
   a. Noise from operations, including primary and accessory structures and uses and energy systems, shall not exceed 40 dBA or 60 dBC between 6:00 p.m. and 8:00 a.m., and shall not exceed 45 dBA or 65 dBC at any other times at any external perimeter property line. (The County recognizes that dBA measurements underrepresent low-frequency noise, which can travel long distances, penetrate walls and windows, and cause chronic disturbance even at low levels. Therefore, dBC measurements shall also be used in evaluating noise and site suitability, especially in cases involving mechanical equipment, industrial activity, or other sources known to emit low-frequency sound. These thresholds are intended to protect against both high-frequency and low-frequency tonal noise at the point of compliance, which is any external perimeter property line. To the extent that occupational safety or health standards impose a more stringent obligation on the Data Center property, the more stringent standard shall prevail.)
      (1) In addition to the decibel limits in paragraph a above, operations shall not generate vibration, oscillation, or infrasound that causes perceptible resonance within any buildings or adverse impacts on the human body, including but not limited to dizziness, headaches, nausea, sleep disturbance, or other recognized health effects. Compliance shall be determined based on standards issued by ANSI and ISO for human exposure to whole-body and low-frequency vibration (e.g., ISO 2631 and ANSI S2.71) and shall be measured and compliance determined at any external perimeter property line.
   b. The locations of the noise measuring equipment for the pre-construction noise analysis shall be shown on the submitted site plan. The points of measurement shall be at all external perimeter property lines at locations most susceptible to noise from applicable proposed equipment.
   c. The maximum sound levels identified herein do not apply to emergency alerts; emergency work to provide electricity, water, or other public utilities when public health or safety is involved; snow removal; or road repair. Maximum sound levels do apply to testing or routine operation of emergency equipment for backup or primary power generation and to other situations that do not involve public health or safety.
   d. Sound proofing systems shall be installed adjacent to Data Center Accessory Use(s)/Structure(s) and Data Center Energy Systems that generate noise which may project past the property line.
   e. A Noise Assessment, Monitoring, and Mitigation plan shall accompany any application for Development Plan and shall include:
      (1) Assessment of baseline ambient levels of noise before construction, measured in all directions at the external perimeter property lines on which the Data Center is proposed to be located and any related activity is proposed to be conducted;

(2) Assessment of all noise projected to be associated with the proposed Data Center (including all structures, facilities, and energy systems) before and after incorporation of noise minimization and abatement measures to control and minimize all exterior noise (including high, mid- and low-frequency) generated by the Data Center, including but not limited to exhaust vents, cooling equipment, chiller fans, and on-site power generation.
(3) An Acoustical Study prepared by a qualified noise consultant showing:
  (a) Expected daytime and nighttime sound levels, including generator noise and other equipment noise, indoors and outdoors at multiple distances and at the external perimeter property lines,
  (b) Include both A-weighted (dBA) and C-weighted (dBC) measurements, with full frequency spectra to identify low-frequency and tonal components,
  (c) Provide sound level projections and modeling for multiple distances from the facility, with measurements taken both outdoors and indoors of nearby dwellings,
  (d) Conduct testing during nighttime and early morning hours, when cooler air and atmospheric conditions may increase sound propagation, and
  (e) Recommend specific mitigation measures (e.g., barriers, enclosures, mufflers, alternative cooling technologies) to ensure compliance with the noise standards of this Ordinance.
(4) A vibration study shall also be submitted if any mechanical equipment or cooling infrastructure is installed within 2,000 feet of a Sensitive Use.
(5) Design of Noise Monitoring, Minimization, and Mitigation Plan including real-time continuous monitoring and analysis of noise data sufficient to demonstrate compliance with the applicable standards over time and to identify patterns, trends, and potential areas of improvement; and use of frequency analysis to identify and address low-frequency tones associated with cooling fans or other equipment.
(6) Incorporation of measures sufficient to avoid off-site nuisance conditions from all frequencies of noise, at all hours of the day and night, and conform to the required limits at the property lines of the Data Center. Measures may include, but not be limited to, acoustic barriers or shrouds, higher efficiency/lower speed fans, or other noise reduction devices sufficient to assure that the Noise Levels measured at the perimeter property boundary for the Data Center conform to the required levels and to prevent nuisance conditions.
(7) All required noise analyses shall be designed and conducted by a certified/ licensed acoustical engineer. The points of measurement shall be on each external perimeter property line at locations selected as those most susceptible to noise from applicable proposed equipment. Any noise analysis shall include the date, time, and duration of measurements taken and shall be taken at various times of the day and night.
(8) The County shall require the applicant to conduct post-construction during-operation compliance testing within 6 months of commencement of operation, using the same methodology, to verify actual sound levels and the effectiveness of mitigation measures. Where any noise analysis post-construction and during operation identifies greater than maximum permissible sound levels at any perimeter property boundary, the applicant shall be required to develop and submit for review and approval such measures, including relocation of equipment, reorientation, and other mitigation measures, as are needed to bring the modeled Noise Levels to below acceptable limits.
(9) The County may, at any time thereafter, conduct such compliance testing, and where any noise analysis identifies greater than maximum permissible sound levels at any perimeter property boundary, may after reasonable notice and an opportunity to cure the conditions contributing to the exceedance, suspend or revoke the approved Development Plan.

7. Nuisance Conditions. Any use or activity producing emissions, fugitive dust, smoke, glare, exhaust, heat, or humidity in any form shall be designed, located, and carried on in such a manner that it is not perceptible at or beyond the external perimeter property line and does not exceed any standards established by this ordinance or local, state, or federal law or regulation.
8. Surety Bonding.

a. Surety bonding payable to the County Commissioners in the amount of no less than $25,000,000.00 shall be posted to cover impacts on residential well depletion, damage or health of livestock, and any health ramifications associated with the Data Center.

9. Waste Heat
   a. No person, firm, or corporation shall cause, permit, allow, or maintain any artificial or mechanical source of heat, radiant energy, or exhaust that creates a condition of thermal discomfort, hazard, or damage to persons, animals, vegetation, or property beyond the external perimeter property lines of the Data Center.
   b. Thermal discharge, venting, or exhaust from any equipment, machinery, or operation shall not raise the ambient temperature at any external perimeter property line above naturally occurring conditions when measured at a height of 4 feet above ground level.
   c. Outdoor equipment and energy systems must be equipped with shielding, insulation, or dispersion devices to minimize radiant heat impacts.
   d. Exhaust from heating, ventilation, air conditioning, or industrial equipment shall be directed and diffused in such a manner as to prevent concentrated heat exposure to anywhere outside of Data Center, neighboring properties, or public rights-of-way.
   e. Rooftop or wall-mounted heat exhaust systems shall be equipped with baffles, louvers, or dispersal devices to prevent heat plumes from causing discomfort or damage to adjacent buildings or damage to vegetation.
10. Water Management. A Development Plan application for Data Center shall include a Water and Wastewater Management Plan, which shall include:
   a. Projected daily and peak water demand;
   b. The source(s) of the water supply, including certification from any public or semi-public water supplier that it will supply the daily and peak water need and that the demand can be met without adverse effect on the availability, quality of service, potability of the water, or other qualitative or quantitative impacts on existing customers;
   c. Certification that the Data Center site is not located within a wellhead protection planning area;
   d. Provide documentation that the Data Center design and equipment have incorporated best available technology and best practices to minimize water waste, maximize efficiency of water use, and to reclaim and recycle water to the extent possible;
   e. Provide documentation that any improvements to the water or wastewater utility infrastructure needed to serve the proposed Data Center will be paid for by the applicant;
   f. Cooling system discharge into wastewater and stormwater systems shall be minimized. If discharging into one of the systems, provide documentation about pre-treatment. Provide documentation and details of the non-chemical based and non-water based cooling system(s) to be used in lieu of discharging into wastewater and stormwater systems.

### 3.23 Development Plan Application Requirements and Procedures.

A. Process for Approvals. Applications for Data Center land use approvals and permits shall be filed on forms provided by the Administrator. The order of the approval process is as follows:
   1. Rezoning to Data Center Overlay District.
   2. Development Standards Variance(s), if required.
   3. Review of any setback reduction agreement prepared in accordance with Section 3.22.A.5##: Voluntary Setback Reduction Waiver of this ordinance.
   4. Development Plan Approval in accordance with Section 3.23.B: ## of this UDO and TAC Site Plan approval in accordance with the Shelby County Stormwater & Erosion Control Ordinance.
   5. Improvement Location Permit and associated construction permits.

B. Application. The application for a Development Plan for a Data Center shall include:

1. Site Plan. In addition to the Development Plan application submittal requirements, a site plan prepared by a licensed professional surveyor shall include:
    a. The zoning classification for all lands within 1 mile of the external perimeter property lines of the proposed Data Center site;
    b. The legal boundaries of each separate parcel comprising the proposed site;
    c. Proposed access route(s) and access control to the site;
    d. The location of proposed improvements including but not limited to the Data Center Principal Use(s)/Structure(s), Data Center Accessory Use(s)/Structure(s), Data Center Energy Systems, parking, lighting, screening/buffering, perimeter fencing, signage, and all ground-mounted equipment and utility infrastructure;
    e. Land banked area for future microgrid (large power consumer, baseload power source, backup power source, long-duration storage, grid connection) in the case of increased power needs.
    f. The location and use of internal roads, and any tram or railways;
    g. Existing or proposed utilities providing electric, gas, water, and wastewater service the facility;
    h. Evidence of compliance with all applicable setback requirements;
    i. Location of the 100-year floodplain, wetlands, public rights-of-way, and cultural and historic resources on the proposed Data Center site and within 500 feet of the external perimeter property lines.
2. Reports, Studies, Evaluations, and Assessments Required
    a. An evaluation of the compatibility of the facility with scenic surroundings;
    b. A description of potential for fire or explosion, and certification from local fire department and emergency response agencies of the capacity to address and response to any emergency situation regarding the Data Center and associated energy systems, including fuel delivery and storage;
    c. An assessment of all anticipated emissions from the construction and operation of the facility, including transportation;
    d. An assessment of all water usage and wastewater generation and characterization, and plans for management of wastewater and stormwater; and
    e. A list of all other permits and authorizations needed for construction and operation of the Data Center and include copies or links to the applications;
    f. An appraisal of the potential changes in property values and land use for property owners within 1 mile of the facility resulting from the location, construction, and operation of the proposed facility;
    g. A traffic study assessing the impact of the facility construction and operation on road and rail traffic to and within the facility;
3. Plans Required
    a. A Decommissioning Plan meeting the requirements of Section 3.22.C.2##: Decommissioning;
    b. A Lighting Plan meeting the requirements of Section 3.22.A.6##: Lighting. The Lighting Plan shall include calculations and plans for both regular hours and after hours lighting.
    c. A Noise Assessment, Monitoring, and Mitigation Plan meeting the requirements of Section 3.22.C.6##: Noise.
    d. A Utility and Infrastructure Plan meeting the requirements of Section 3.22.A.8##: Utility and Infrastructure.
    e. A Waste Management Plan which shall identify all categories of solid waste, electronic waste, hazardous materials, and other refuse generated by the facility, including packaging, cooling system by-products, and equipment replacement materials, and shall identify the manner in which the wastes will be stored, collected, processed, recycled, and disposed.
    f. A Landscape Plan meeting the requirements of Section 3.22.A.1##: Buffering/Screening/Landscaping and all other applicable landscaping requirements which apply to the underlying zoning district.
    g. Architectural elevations meeting the requirements of Section 3.22.B##: Structure Design Standards.
    h. A Water Management Plan meeting the requirements of Section 3.22.C.10##: Water Management. Include plans for water testing pre-development, during development, and post-development.

C. Outside Review. The Administrator or Plan Commission shall have the authority to hire a consultant to review the Development Plan application, and all submitted plans and to provide recommendations concerning the compliance of the proposed facility with the applicable standards and requirements associated with the siting, construction, operation, and decommissioning of the Data Center and all accessory structures and facilities. Any expenses incurred by the hiring of a consultant shall be borne by the applicant. The expenses incurred may be charged against an escrow deposit charged to the applicant at the time of filing of the application.

D. Administrative Approval. Approval of the Development Plan shall be issued by the Administrator only where the applicant demonstrates and the Administrator affirmatively finds, based on the evidence in the record taken as a whole, and after public notice and opportunity to be heard concerning the application, that all applicable requirements of this Ordinance have been or will be met regarding the location, construction, operation, and decommissioning of the Data Center and that issuance of the Development Plan is consistent with the public health, safety, and welfare.

E. Conditions.
1. The Administrator may impose any conditions deemed necessary or appropriate in order to allow the proper integration of the proposed Data Center into the zone and location in which it is proposed, and deemed necessary or appropriate to protect public health, safety, and welfare. Such additional conditions may include but are not limited to further limitations on noise, hours of operation, additional visual screening and buffering, traffic mitigation, setbacks, and infrastructure upgrades.
2. In considering an application for Development Plan, the Administrator may consider the extent to which the low-impact development and energy efficiency considerations as indicated in Section 3.22.C.4##: Energy Efficiency Considerations have been addressed and incorporated into the proposed Data Center.
3. Any increase in the maximum power requested by the Data Center as indicated in Section 3.22.A.9##: Utility and Infrastructure shall render an approved Development Plan void. The administrator shall have the discretion to forward the new Development Plan to the Plan Commission for review at a public meeting. The Plan Commission may consider the extent to which the low-impact development and energy efficiency considerations have been addressed and incorporated into the new Development Plan as indicated in Section 3.22.C.4##: Energy Efficiency Considerations.

### 3.24 Third-Party Review:

The Administrator or Plan Commission shall have the authority to hire an attorney or qualified consultant to provide technical assistance with the enforcement of any provision of Section ### DCO. The Data Center, or property owner, subject to the terms of Section ## DCO shall pay all attorney fees and costs associated with third-party review.

Definitions to add to Article 11: Definitions.

**Data**: Any information, whether digital, electronic, optical or quantum, which can be collected, stored, processed, or transmitted.

**Data Center**: A facility used primarily for the storage, management, processing, or transmission of data and includes, but is not limited to, buildings designed to accommodate computer servers, storage systems, or specialized computing hardware. A Data Center includes a Data Center Principal Use(s)/Structure(s), any Data Center Accessory Use(s)/Structure(s), and Data Center Energy Systems. Examples of these facilities and uses include (but are not limited to) crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and cloud-computing.

**Data Center Principal Use/Structure**: Any structure or building that is used primarily for the storage, management, processing, or transmission of Data which includes, but not limited to, any building designed or used to accommodate and house computer servers, storage systems, or specialized computing hardware.

**Data Center Accessory Use/Structure**: Any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes but is not limited to administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.

**Data Center Energy Systems**: Energy generation and storage systems, including electrical generators or engines, electric substations, back-up power generators, battery energy storage systems (BESS), used or intended to be used as sources of electrical power during normal operations, or as back-up temporary power when the main source of power is interrupted; electric transmission and distribution lines; and pipelines. The category shall not include utility service facilities exempted under state statute IC 8-1-32.5##. Information concerning such utility service facilities to be sited or extended on private property in support of a Data Center shall be provided to the Administrator as part of any application.

**Data Center Equipment**: The hardware, software, and physical infrastructure necessary to store, process, manage, and transmit data. Key components include servers, storage devices, networking gear (routers/switches), and supporting infrastructure like racks, power management systems (UPS, generators), and cooling units**.**

**Farmland of Statewide Importance**: A map unit identified by the USDA Natural Resources Conservation Service identifying soils that nearly meet the requirements for Prime Farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. https://websoilsurvey.nrcs.usda.gov/app/

**Noise Level**: The maximum sound pressure level measured in both A-weighted decibels (dBA) and C-weighted decibels (dBC) at the property line. (The use of dBC accounts for low-frequency sound components, such as those generated by ventilation fans, cooling units, and similar equipment, which may add 10–20 decibels of additional perceptible noise beyond the A-weighted measurement.)

**Prime Farmland**: A map unit identified by the USDA Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. https://websoilsurvey.nrcs.usda.gov/app/

**Protected Wildlife**: Wild animals, birds, and aquatic life whose populations and habitats are legally safeguarded against hunting, harm, or trade without specific permits. This includes wildlife protected by the Federal Endangered Species Act and current State protection guidelines.

**Sensitive Use**: Any residential dwelling, school, preschool, daycare center, in-home daycares, long term care facilities, retirement and nursing homes, community centers place of worship, public park, public or institutional buildings or

facilities, hospitals or other medical care facilities, or agricultural operations.

**Waste Heat**: Heat generated as a byproduct of Data Center operations.