

BEFORE THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

ORDINANCE NO. 2022-85-08

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON
THE ISSUANCE OF IMPROVEMENT LOCATION PERMITS FOR
THE DEVELOPMENT OF DATA CENTERS**

WHEREAS, on December 5, 2022, the Board of Commissioners of Wabash County adopted Ordinance No. 2022-85-14, a Zoning Ordinance for the Unincorporated Areas of Wabash County, Indiana, and the Towns of LaFontaine, Lagro, and Roann, Indiana (“Zoning Ordinance”)

WHEREAS, the Zoning Ordinance currently fails to provide any regulations related to data center projects within Wabash County, which omission constitutes a defect in the Zoning Ordinance that should be corrected before any improvement location permits for structures related to data center projects in any zoning district are issued.

WHEREAS, the Wabash County Plan Commission initiated a proposal to adopt an ordinance to impose a temporary moratorium on the acceptance, processing, and approval of all applications and permits, including the issuance of improvement locations permits, in all zoning districts for any structure related to a data center project, including any construction or operation of data centers and all appurtenant facilities, in order to amend the Zoning Ordinance to address issues related to data center projects.

WHEREAS, the Plan Commission timely gave notice to interested parties and held a public hearing in accordance with I.C. 36-7-4-604.

WHEREAS, the Plan Commission timely certified its recommendation on the proposal in accordance with I.C. 36-7-4-605, thereby recommending its adoption.

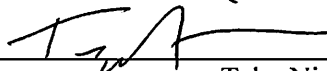
NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. “Data center” shall mean a structure used primarily for the storage, management, processing, and transmission of digital data and that houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage, processing, and related operations. Data center uses include data storage facilities, server farms, artificial intelligence training or processing, image processing, cloud computing, email servicing, and other similar uses.
2. There is now imposed a temporary moratorium on the acceptance, processing, and/or approval of all applications and permits, including the issuance of improvement locations permits, for any structure related to a data center project, including any construction or operation of data centers and all appurtenant facilities, in all zoning districts in the unincorporated areas of Wabash County.

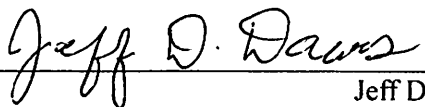
3. This Ordinance shall be effective in the unincorporated areas of Wabash County subject to the jurisdiction of the Wabash County Zoning Ordinance upon its adoption. This Ordinance shall be effective in the incorporated areas of the Towns of LaFontaine, Lagro, and Roann, Indiana upon its adoption by the appropriate legislative body.
4. This Ordinance shall remain in effect until the Zoning Ordinance is amended to provide regulations related to data center projects within Wabash County, or for a period of eighteen (18) months from the date of adoption, whichever occurs sooner.
5. If any portion of this Ordinance is determined to be unconstitutional, void, ineffective, or otherwise in violation of any state or federal law by a court of competent jurisdiction, the remaining portions of this Ordinance shall continue to be in full force and effect.

ADOPTED this 31st day of August, 2026.

BOARD OF COMMISSIONERS OF WABASH COUNTY


Tyler Niccum, Chairman


Cheryl Ross


Jeff D. Dawes

ATTEST:


Shelly Bauccho, Wabash County Auditor

BEFORE THE WABASH COUNTY PLAN COMMISSION

RESOLUTION NO. 2026-PC-02

**RESOLUTION RECOMMENDING THE ADOPTION OF AN ORDINANCE IMPOSING A
TEMPORARY MORATORIUM ON THE ISSUANCE OF
IMPROVEMENT LOCATION PERMITS FOR DATA CENTER PROJECTS**

WHEREAS, on December 5, 2022, the Board of Commissioners of Wabash County adopted Ordinance No. 2022-85-14, a Zoning Ordinance for the Unincorporated Areas of Wabash County, Indiana, and the Towns of LaFontaine, Lagro, and Roann, Indiana ("Zoning Ordinance"); and

WHEREAS, on March 18, 2022, the Governor of Indiana signed Public Law 163 (HB 1209) into law, which added IC 14-39-2 to the Indiana Code as a new chapter, which provided an authorization framework for carbon sequestration projects within Indiana; and

WHEREAS, the Zoning Ordinance currently fails to provide any regulations related to data center projects within Wabash County, which omission constitutes a defect in the Zoning Ordinance that should be corrected before any improvement location permits for data center projects in any zoning district are issued; and

WHEREAS, the Wabash County Plan Commission initiated a proposal to adopt an ordinance to impose a temporary moratorium on the acceptance, processing, and approval of all applications and permits, including the issuance of improvement locations permits, in all zoning districts for any structure related to a data center project, including any construction or operation of data centers and all appurtenant facilities, in order to amend the Zoning Ordinance to address issues related to data center projects; and

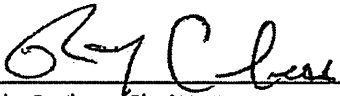
WHEREAS, the Wabash County Plan Commission initiated this proposal to amend the text of the Wabash County Zoning Ordinance to establish a lawful process for permitting and regulating carbon sequestration projects in all zoning districts within its planning jurisdiction; and

WHEREAS, the Wabash County Plan Commission timely gave notice to interested parties and held a public hearing on August 6, 2026, at 7:00 p.m. at Wabash County Courthouse, 1 W Hill St, Wabash, Indiana, in accordance with I.C. 36-7-4-604.

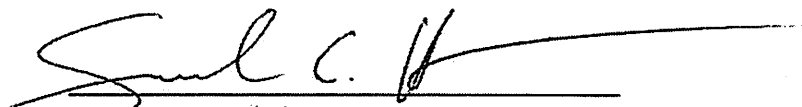
NOW, THEREFORE, IT IS RESOLVED, that the Wabash County Plan Commission now certifies its favorable recommendation to the Board of Commissioners to adopt an ordinance to imposed a temporary moratorium on the issuance of an improvement location permit for any structure related to any carbon sequestration project in all zoning districts in the unincorporated areas of Wabash County in the form attached hereto and marked as Exhibit "A."

Adopted this 6 day of August, 2026.

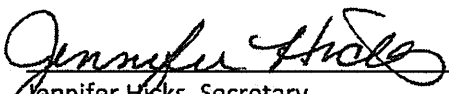
WABASH COUNTY PLAN COMMISSION



Randy Curless, Chairman



Sam Hann, Co-Chairman



Jennifer Hicks, Secretary