

ORDINANCE NO. 2025-12

AN ORDINANCE OF MORGAN COUNTY, INDIANA CONCERNING AMENDMENT TO THE MORGAN COUNTY UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "MORGAN COUNTY DATA CENTER PROJECT II PLANNED UNIT DEVELOPMENT DISTRICT") to amend the Morgan County Unified Development Ordinance (effective date of January 1, 2022) (the "UDO"), enacted by Morgan County pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the Morgan County Advisory Plan Commission and Morgan County Indiana (the "County") both of Morgan County, Indiana are subject to the UDO;

WHEREAS, the Morgan County Advisory Plan Commission (the "Commission") considered a petition (**Petition No. PUD-25-03**), requesting an amendment to the UDO and the Zoning Map real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. PUD-25-03** to the Morgan County Board of Commissioners (the "Commissioners") with a 5-2 favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the President of the Commission certified the action of the Commission to the Commissioners on September 29, 2025;

WHEREAS, the Board of Commissioners is subject to the provisions of the Indiana Code §36- 7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Morgan County Board of Commissioners, Morgan County, Indiana, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Introductory Provisions for Morgan County Data Center Project II Planned Unit Development District.

- 1.1 **PUD Purpose.** The purpose of the Morgan County Data Center Project II Planned Unit Development is to allow for the development of a large industrial campus with a variety of uses with flexibility to grow as the market may dictate.
- 1.2 **PUD Intent.** The intent of the Morgan County Data Center Project II Planned Unit Development is to allow greater flexibility than otherwise provided in the Morgan County Unified Development Ordinance to promote the growth of a significant industrial project in Morgan County.
- 1.3 **PUD Jurisdiction.** The Morgan County Data Center Project II Planned Unit Development will be governed by this Ordinance and supplemented by the Morgan County Unified Development Ordinance.

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Anna M Voyles
Morgan County Recorder IN
Recorded as Presented

- 1.4 **PUD Administration.** The Morgan County Data Center Project II Planned Unit Development will be administered by the Administrator, as defined by the Morgan County Unified Development Ordinance.

Section 2. Applicability of Ordinance.

- 2.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the “Morgan County Data Center Project II Planned Unit Development District” (also sometimes referred to herein as the “District”).
- 2.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or the District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 2.3 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 2.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 3. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

- 3.1 Data Center shall mean “A centralized location for storing and managing large volumes of digital data, which includes, but is not limited to, a physical facility that houses critical computing and networking equipment, including servers, storage systems, and network infrastructure, and ancillary uses such as, but not limited to, office spaces, warehousing for data center accessory equipment and materials and storage in bulk for data center accessory equipment and materials.”

Section 4. Concept Plan. The Concept Plan, attached hereto as Exhibit B, is hereby incorporated into this Ordinance. The Real Estate is currently planned to be developed in substantial compliance with the Concept Plan, however, changes in the number of buildings, general shapes/configurations of buildings and other structures, and their respective placement on the Real Estate may be changed, so long as the uses and development standards set forth herein are met.

Section 5. Underlying Zoning District(s). The Underlying Zoning District shall be the I-1 Light Industrial zoning district.

Section 6. Permitted Uses / Development Standards.

- 6.1 **Permitted Primary Uses.**

The following primary uses shall be permitted anywhere within the District:

- A. Data Center (as defined above)

The following uses, described in the I-1 Light Industrial District as set forth in Chapter 3, Section B.10. of the UDO shall also be permitted anywhere within the District.

- B. Research / Development
- C. Manufacturing, Light

The following uses, described in the AG – Agricultural District, as set forth in Chapter 3, Section B.2. of the UDO shall be permitted to the extent existing on the Real Estate as of the Effective Date of this Ordinance.

- D. Dwelling, Single Family

Accessory Uses, as defined by the UDO, shall be permitted for primary uses A through D.

- 6.2 General Regulations. Chapter 3, Section C.1. shall apply to development of new industrial buildings on the Real Estate.
- 6.3 Maximum Number of Industrial Buildings. There shall be no maximum number of Industrial Buildings permitted on the Real Estate.
- 6.4 Maximum Number of Dwelling Units. The maximum number of Single Family Dwellings shall not exceed the number in existence as of the Effective Date of this Ordinance.
- 6.5 Development Standards. The following development standards shall apply to the Morgan County Data Center Project II Planned Unit Development District.

Standards Matrix

Zoning Standard	I-1	Morgan County Data Center Project II PUD
Approximate Acreage	N.A.	158.39
Maximum Number of Units	N.A.	_____
Maximum Height (Primary Building)	60 ft.	75 ft.*
Maximum Height (Accessory Structure)	25 ft.	75 ft.*
Minimum Ground Floor Area (2 story)	N.A.	N.A.
Minimum Lot Size	N.A.	N.A.
Minimum Lot Width (at setback line)	150	150
Front Setback (along public ROW)	50 ft.	150 ft.
Front Setback (no frontage on public ROW)	50 ft.	50 ft.
Side Setback (min. each side)	20 ft.	50 ft.
Rear Setback	20 ft.	50 ft.
Maximum Lot Coverage (All Impervious)	75%	75%

*Shall not restrict the height of industrial appurtenances, as set forth in Ch. 4 Sec.9.d.iv. of the UDO.

Section 7. **Site Development Standards.** The District's Site Development Standards shall comply with the Site Development Standards set forth in Chapter 4, Section C. of the UDO with the following exceptions:

- 7.1 The trash and receptacle screening standards set forth in Chapter 4, Section C.10. shall not apply in the event that a bufferyard is in place and screens the trash dumpster / receptacle from the public right of way.
- 7.2 The parking and loading standards set forth in Chapter 4, Section C.6. shall not apply.
- 7.3 The driveway and access management standards set forth in Chapter 4, Section C.3. shall apply.
- 7.4 The landscaping standards set forth in Chapter 4, Section C.4. shall not apply to the extent that a bufferyard as shown on Exhibit B, which shall include berming and planting details. Where Exhibit B does not provide a bermed bufferyard, then Chapter 4, Section C.4. Table 2 shall apply. Parking lot screening and landscaping shall not be required, whether under Chapter 4, Section C.4. or Section C.6.

Section 8. **Site Operational Standard – Noise.**

- 8.1 Noise emitted by the operation of the Data Center shall not exceed 65 decibels (d/b/a) at the property lines of the Real Estate. The operator of the Data Center shall commission a noise study within thirty (30) days after each building comprising the Data Center becomes fully operational (as determined by the operator), and upon completion, shall submit the noise study to the Administrator. If sound levels exceed 65 d/b/a at any property line as a direct result of the operation of the Data Center, then the operator of the Data Center shall coordinate and implement a noise mitigation plan with the Administrator which results in the reduction of noise to the maximum 65 d/b/a level.

Section 9. **Administration.** The Morgan County Data Center Project II Planned Unit Development District and this Ordinance shall be administered by the Administrator, who shall have the authority to approve all plans required to be filed, as well as changes to such plans and this Ordinance; provided; however, any change to permitted uses or the standards matrix shall require a formal amendment of this Ordinance.

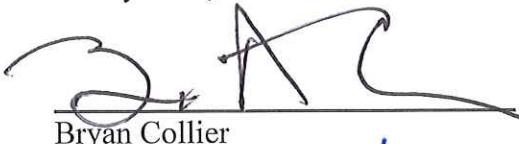
[Signature page follows]

ALL OF WHICH IS ORDAINED/RESOLVED THIS 6th DAY OF October, 2025.

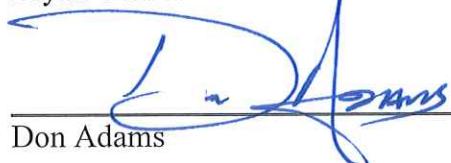
MORGAN COUNTY COMMISSIONERS

Kenny Hale

Kenny Hale, President



Bryan Collier



Don Adams

ATTEST:

Linda Pruitt

Linda Pruitt, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Joseph D. Calderon

This document prepared by: Joseph D. Calderon, Esq., Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204

48857434.1

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

EXHIBIT A

PROPERTY DESCRIPTION OF THE REAL ESTATE
158.38 ACRES

Parcel I:

The East Half of the Southeast Quarter of Section 31, Township 14 North, Range 1 East, of the Second Principal Meridian, Morgan County, Indiana, containing 80 acres, more or less.

Parcel II:

Forty (40) acres of even width off of the entire West side of the West Half of the Southwest Quarter of Section 32, Township 14 North, Range 1 East in Morgan County, Indiana.

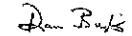
Parcel III:

Part of the Northeast Quarter of Section 6, Township 13 North, Range 1 East of the Second Principal Meridian in Morgan County, Indiana, bounded and described as follows:

Beginning at a point 7.15 chains west of the Northeast corner of said Section 6, running thence West 24.18 chains, running thence South 18.34 chains, thence East 11.28 chains, thence North 4.08 chains, then East 12.95 chains, more or less, to a point due South of the place of beginning, thence North 14.26 chains to the place of beginning, containing 38.89 acres, more or less.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 20, 2022



MORGAN COUNTY AUDITOR

EXHIBIT B

CONCEPT PLAN

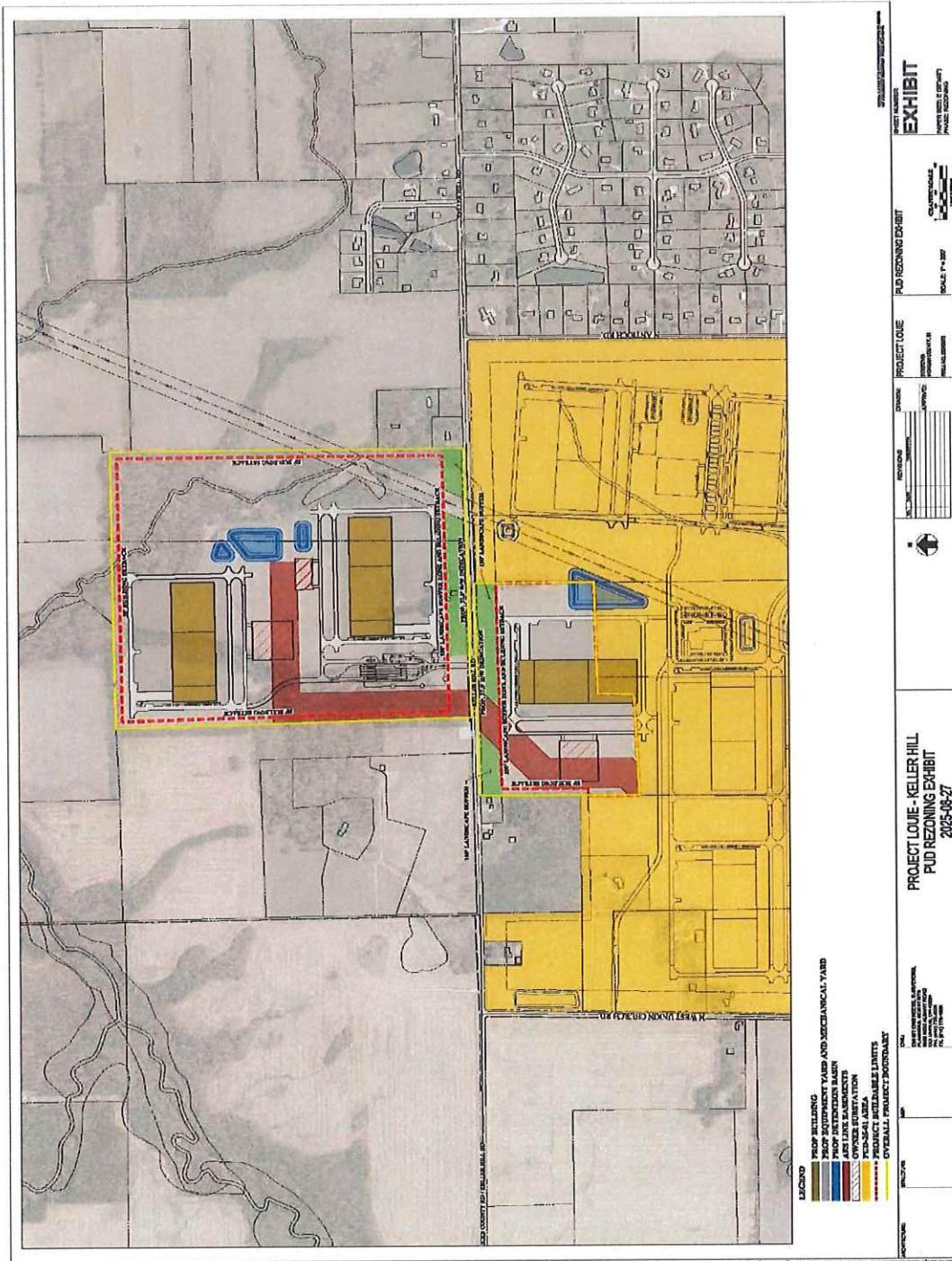


Exhibit B