

ORDINANCE NO. 2025-1

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 I 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-25-01**), 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-25-01** to the Morgan County Board of Commissioners (the “Commissioners”) with a 7-1 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 February 13, 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 I Project Planned Unit Development District.

- 1.1 PUD Purpose. The purpose of the Morgan County Data Center Project I 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 I 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 I Planned Unit Development will be governed by this Ordinance and supplemented by the Morgan County Unified Development Ordinance.

- 1.4 PUD Administration. The Morgan County Data Center Project I 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 I 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 I Planned Unit Development District.

Standards Matrix

Zoning Standard	I-1	Morgan County Data Center Project I PUD
Approximate Acreage	N.A.	390.74
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, so long as temporary construction access points along Keller Hill Road and SR 42 and a permanent access from SR 42 is permitted, as set forth on plans submitted to and approved by the Administrator and INDOT.
- 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 I 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.

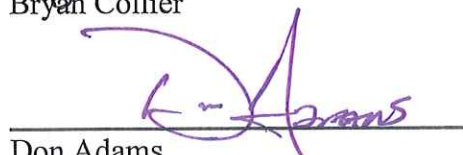
[Signature page follows]

ALL OF WHICH IS ORDAINED/RESOLVED THIS 18th DAY OF February, 2025.

MORGAN COUNTY COMMISSIONERS


Kenny Hale, President


Bryan Collier


Don Adams

ATTEST:


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

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

EXHIBIT A

PROPERTY DESCRIPTION OF THE REAL ESTATE 390.74 ACRES

Situated in the State of Indiana, County of Morgan, Township of Monroe, lying in Section 5 and Fractional Section 6, Township 13 North, Range 1 East and Section 1, Township 13 North, Range 1 West, and being part of that 93.810 acre tract conveyed to Keevin Lemenager by deed of record in Document Number 200906696, all of those 18.04 and 0.30 acre tracts, and all of the remainder of those 24.563 and 33.892 acre tracts, conveyed to Jay S. Allen and Michael W. Allen, Trustees by deed of record in Document Number 202310246, all of that 8.965 acre tract conveyed to Jay S. Allen by deed of record in Document Number 202209213, all of those 80, 12.60, and 32.66 acre tracts conveyed to Gary Steven Blythe, Trustee by deed of record in Document Number 202407616, all of those 30.66, 30, and 85.57 acre tracts conveyed to Chad Hinshaw by deed of record in Document Numbers 201900434 and 202110086, all of that 8.68 acre tract conveyed to Adrienne M. Coyle and Denny R. Long by deed of record in Document Number 201213750, all of that 5.34 acre tract conveyed to David Kevin Coyle and Justine Coyle by deed of record in Document Number 201914200, all of that 0.819 acre tract conveyed to Brenda E. Lumpkin by deed of record in Document Number 201102280, all of that 1.193 acre tract conveyed to Nora J. McGinness by deed of record in Document Number 201909597, and all of that 1.8 acre tract conveyed to Jim M. Fox and Brenda E. Fox by deed of record in Document Number 200604053, (all references are to the records of the Recorder's Office, Morgan County, Indiana) and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Section 1, the northwesterly corner of said Fractional Section 6, the northeasterly corner of said 24.563 acre tract, the northwesterly corner of that 14.66 acre tract conveyed to Dill Revocable Trust by deed of record in Document Number 202302958, in the centerline of W. Keller Hill Road;

Thence South 00° 32' 13" East, with the easterly line of said Section 1, the westerly line of said Fractional Section 6, the westerly line of said 14.66 acre tract, a distance of 770.46 feet to a point;

Thence North 89° 01' 39" East, with the southerly line of said 14.66 acre tract, a distance of 876.19 feet to a point in the westerly line of that 38.89 acre tract conveyed as Parcel III to Keller Hill LLC by deed of record in Document Number 202200700;

Thence with the perimeter of said 38.89 acre tract, the following courses and distances:

South 00° 02' 25" West, a distance of 440.00 feet to a point;

North 88° 56' 25" East, a distance of 7.26 feet to a point;

North 86° 49' 13" East, a distance of 738.60 feet to a point;

North 02° 10' 33" West, a distance of 269.28 feet to a point;

North 89° 34' 55" East, a distance of 854.70 feet to a point; and

North 00° 06' 39" West, a distance of 941.16 feet to a point in the northerly line of said Fractional Section 6, the centerline of said W. Keller Hill Road;

Thence North 88° 33' 42" East, with said Section line, said centerline, a distance of 329.97

feet to a point;

Thence North $88^{\circ} 58' 23''$ East, continuing with said Section line, said centerline, a distance of 134.74 feet to the northeasterly corner of said Fractional Section 6, the northwesterly corner of said Section 5;

Thence North $88^{\circ} 58' 53''$ East, with the northerly line of said Section 5, said centerline, a distance of 1341.19 feet to the northeasterly corner of the west half of the northwest quarter of said Section 5, the centerline intersection of said W. Keller Hill Road and N. Antioch Road;

Thence South $00^{\circ} 02' 25''$ East, with the easterly line of said west half of the northwest quarter of said Section 5, the centerline of said N. Antioch Road a distance of 2423.23 feet to the northeasterly corner of that 0.487 acre tract conveyed to State of Indiana by deed of record in Document Number 200616499;

Thence with the perimeter of said 0.487 acre tract, the following courses and distances:

South $89^{\circ} 59' 05''$ West, a distance of 20.65 feet to a point in the westerly right-of-way line of said N. Antioch Road;

South $09^{\circ} 54' 40''$ West, with said westerly right-of-way line, a distance of 133.23 feet to a point; and

South $04^{\circ} 44' 54''$ West, with said westerly right-of-way line, a distance of 197.53 feet to a point;

Thence South $14^{\circ} 59' 04''$ West, with the westerly lines of said 0.487 acre tract and that 2.274 acre tract conveyed to State of Indiana by deed of record in Document Number 200708822, said westerly right-of-way line, a distance of 141.44 feet to the intersection of said westerly right-of-way line and the northerly right-of-way line of State Route 42;

Thence continuing with the perimeter of said 2.274 acre tract, said northerly right-of-way line, the following courses and distances:

South $57^{\circ} 08' 04''$ West, a distance of 187.26 feet to a point;

South $54^{\circ} 27' 44''$ West, a distance of 393.30 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of $03^{\circ} 37' 50''$, a radius of 8251.30 feet, an arc length of 522.84 feet, a chord bearing of South $52^{\circ} 38' 49''$ West and chord distance of 522.76 feet to a point of tangency;

South $50^{\circ} 49' 54''$ West, a distance of 53.30 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of $01^{\circ} 04' 23''$, a radius of 11204.05 feet, an arc length of 209.84 feet, a chord bearing of South $50^{\circ} 17' 42''$ West and chord distance of 209.83 feet to a point of tangency; and

South $49^{\circ} 45' 31''$ West, a distance of 90.61 feet to a point;

Thence South $53^{\circ} 15' 53''$ West, with the westerly lines of said 2.274 acre tract and that 1.392 acre tract conveyed to State of Indiana by deed of record in Document Number 200709582, said northerly right-of-way line, a distance of 359.93 feet to a point;

Thence with the perimeter of said 1.392 acre tract, said northerly right-of-way line, the following courses and distances:

South 14° 09' 33" West, a distance of 40.84 feet to a point;
South 51° 08' 39" West, a distance of 295.95 feet to a point;
South 52° 19' 49" West, a distance of 230.47 feet to a point;
South 46° 46' 01" West, a distance of 296.04 feet to a point; and

South 52° 47' 51" West, a distance of 215.87 feet to a common corner of said 1.392 acre tract and that 0.427 acre tract conveyed to State of Indiana by deed of record in Document Number 9008728;

Thence with the perimeter of said 0.427 acre tract, said northerly right-of-way line, the following courses and distances:

South 57° 52' 21" West, a distance of 131.53 feet to a point;
North 40° 51' 56" West, a distance of 20.00 feet to a point; and
South 49° 07' 30" West, a distance of 70.00 feet to a point;

Thence South 43° 14' 15" East, with the westerly lines of said 0.427 acre tract and that 0.381 acre tract conveyed to State of Indiana by deed of record in Document Number 9008481, said northerly right-of-way line, a distance of 24.69 feet to a point;

Thence South 43° 52' 17" West, continuing with the northerly line of said 0.381 acre tract, said northerly right-of-way line, a distance of 100.11 feet to a point;

Thence South 39° 01' 57" West, continuing with the northerly line of said 0.381 acre tract, said northerly right-of-way line, a distance of 106.68 feet to a common corner of said 0.381 acre tract and that 0.023 acre tract conveyed to State of Indiana by deed of record in Document 200707211;

Thence South 54° 24' 31" West, with the northerly lines of said 0.023 acre tract, that 0.207 acre tract conveyed to State of Indiana by deed of record in Document Number 200707685, and that 0.188 acre tract conveyed to State of Indiana by deed of record in Document Number 200706608, said northerly right-of-way line, a distance of 329.11 feet to a point;

Thence South 57° 48' 14" West, continuing with the northerly line of said 0.188 acre tract, said northerly right-of-way line, a distance of 157.45 feet to a common corner of said 0.188 acre tract and that 1.769 acre tract conveyed to State of Indiana by deed of record in Document Number 200800418, in the easterly line of that 28.50 acre tract conveyed to David Allen, Etal, Trustees of the West Union Monthly Meeting of Friends by deed of record in Document Number 200704935;

Thence with the perimeter of said 28.50 acre tract, the following courses and distances:

North 01° 20' 29" West, a distance of 1047.87 feet to a point in the southerly line of the north half of the southeast quarter of said Fractional Section 6;

South 89° 48' 19" West, with said southerly line of the north half of the southeast quarter of said Fractional Section 6, a distance of 909.66 feet to a point; and

South 01° 42' 30" East, a distance of 1285.22 feet to a northeasterly corner of the West Union Church & Cemetery, the southeasterly corner of said 93.810 acre tract;

Thence South 89° 47' 45" West, with the southerly line of said 93.810 acre tract, a distance of 261.17 feet to the southeasterly corner of said Section 1, in the westerly line of said Fractional

Section 6;

Thence North 00° 48' 04" West, across said 93.810 acre tract, with the easterly line of said Section 1, the westerly line of said Fractional Section 6, a distance of 2607.60 feet to the northwesterly corner of the southwest quarter of said Fractional Section 6, the southwesterly corner of the northeast quarter of said Fractional Section 6;

Thence North 00° 32' 13" West, continuing across said 93.810 acre tract, with the easterly line of said Section 1, the westerly line of said Fractional Section 6, a distance of 46.97 feet to the northeast corner of the southeast quarter of said Section 1, the southeast corner of the northeast quarter of said Section 1;

Thence North 89° 42' 36" West, with the northerly line of said 93.810 acre tract, the line common to the northeast and southeast quarters of said Section 1, a distance of 801.90 feet to the southeasterly corner of that 27.77 acre tract conveyed to Janette E Allen and Dylan Kay Curtis by deed of record in Document Number 202204154, an angle point in the centerline of West Union Church Road;

Thence North 01° 01' 33" East, with said centerline, a distance of 2707.61 feet to a point in the northerly line of said Section 1, the centerline of said West Keller Hill Road;

Thence North 89° 39' 26" East, with the northerly line of said Section 1, said centerline, a distance of 364.98 feet to the northwesterly corner of that 1.02 acre tract conveyed to John M. Ream by deed of record in Document Number 9800045;

Thence with the perimeter of said 1.02 acre tract, the following courses and distances:

South 00° 20' 34" East, a distance of 297.50 feet to a point;

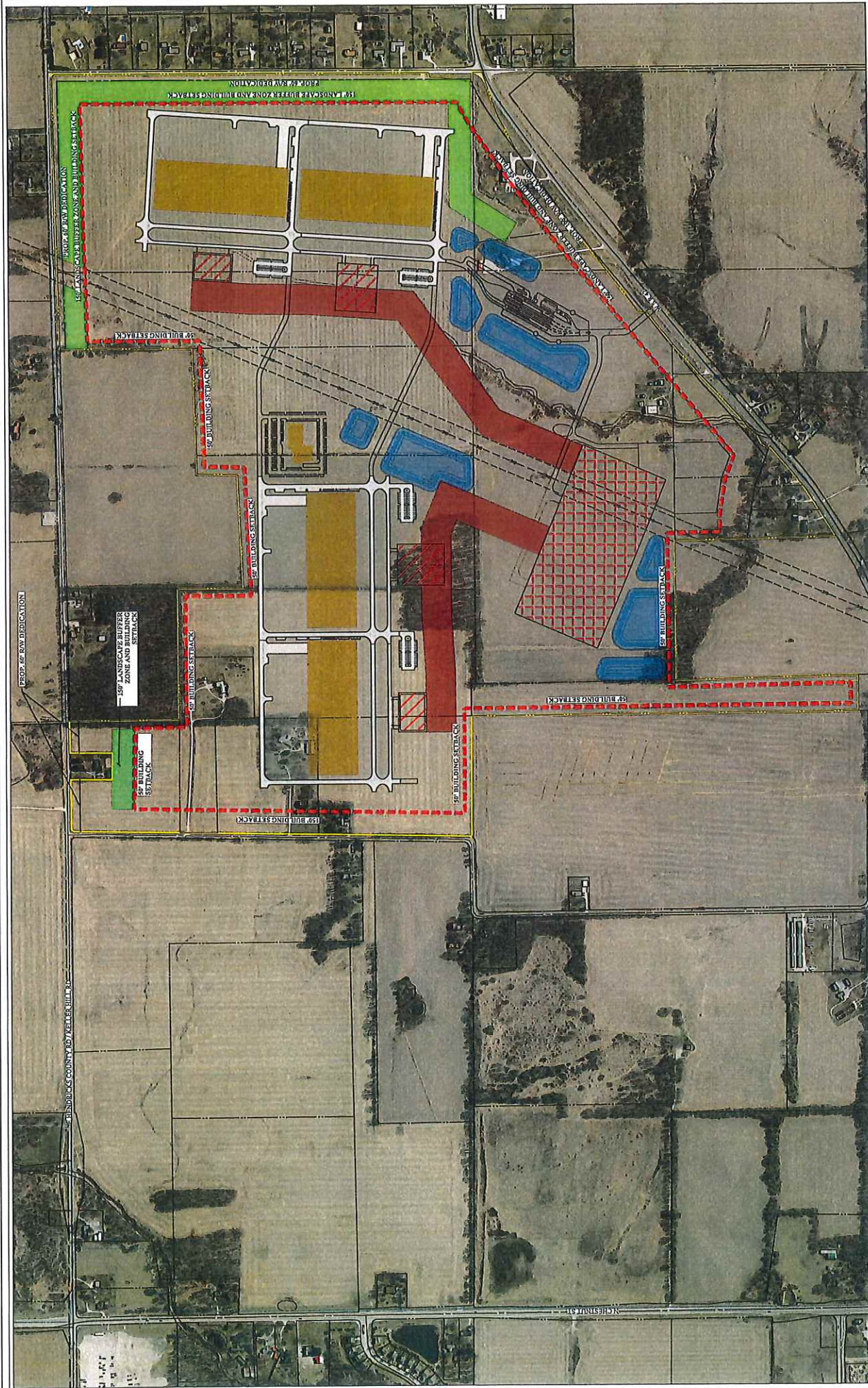
North 89° 39' 26" East, a distance of 150.00 feet to a point; and

North 00° 20' 34" West, a distance of 297.50 feet to a point in the northerly line of said Section 1, the centerline of said West Keller Hill Road;

North 89° 39' 26" East, with the northerly line of said Section 1, said centerline, a distance of 213.00 feet to the POINT OF BEGINNING, containing 390.74 acres, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



LEGEND

- PROF BUILDING
PROP EQUIPMENT YARD AND MECHANICAL YARD
PROP DETENTION BASIN
AES LINE EASEMENTS
OWNER SUBSTATION
AES SUBSTATION
PROJECT BUILDABLE LIMITS
OVERALL PROJECT BOUNDARY

ARCHITECTURE

STRUCTURE

1998

100

CIVIL:
EMMET ENGINEERS, SURVEYORS,
PLANNERS, SCIENTISTS
5900 NEW ALBANY ROAD
COLUMBUS, OH 43054
PH: (614) 775-4300
FX: (614) 775-4500

PROJECT LOUIE
PUD REZONING EXHIBIT
2025-02-10

DRAWN: PROJECT LOUIE

PUD REZONING EXHIBIT

SHEET NUMBER:
EXHIBIT B

SCALE: 1" = 200'

PAPER SIZE: E (36"x48")
PHASE: REZONING



MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

PLAN DIRECTOR
Laura Parker

PLAN COMMISSION
Terry Brock
Melanie DePoy
Dustin Frye
Kenny Hale
Michele Jones
Jason Maxwell
Brian Patrick
Bill Rumbaugh
Joe Crone

BOARD OF ZONING
APPEALS
John Chappelow
Gordon Crone
Jason Maxwell
Gerard McGrath
Bill Rumbaugh

CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners
From: Morgan County Plan Commission
Date: February 10, 2025
Re: Rezoning Recommendation

On February 10, 2025, the Morgan County Plan Commission conducted a public hearing on Petition PUD-25-01, submitted by Mike Dellinger, Executive Director of the Morgan County Economic Development Corp, to rezone 390 acres from Agriculture (AG) & Residential 3 (R-3) to Planned Unit Development (PUD) for the purpose of constructing a data center campus. The area included in the proposed PUD is generally bounded by SR 42, West Union Church Road, Keller Hill Road, and Antioch Road in Monroe Township, Morgan County, Indiana.

After the public hearing, the Plan Commission voted 7-1 to forward a **favorable recommendation** to the Morgan County Commissioners to rezone the above-referenced property to **Planned Unit Development (PUD)**.

Having complied with the applicable statutory requirements, the Plan Commission hereby certifies this proposal and its recommendation to the Morgan County Commissioners.

Terry Brock, Plan Commission President