

Data center ordinance approved

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CROWN POINT — The Lake County Council unanimously approved an ordinance Tuesday to regulate the placement and operation of data centers located in unincorporated areas of the county.

Under the plan, data centers only will be permitted in light or heavy industrial zoning districts

with special approval. Data centers cannot be located in any area zoned for business.

Data center operators also must provide the county, as part of the approval process, a detailed site plan, emergency access plan, proof of sufficient electric and water supply, a renewable resources commitment, a noise mitigation plan and a decommissioning plan, among other

requirements.

The policy additionally mandates data center buildings be set back at least 200 feet from adjacent agricultural or residential property lines, a maximum noise output of 55 decibels, all mechanical equipment out of public view, underground utilities where possible, a security fence at least 6 feet high and annual training for all firefighters serving the

data center, as well as other obligations.

No data centers currently are proposed for unincorporated Lake County. Supporters said the ordinance will let data center operators know exactly what's expected of them if they decide to seek site approval in the county.

Lake County cities and towns still can set their own data center policies within their boundaries.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND the Unincorporated Lake County Unified Development Ordinance, County of Lake, State of Indiana, adopted June 13, 2023 specifically to add to **Title 154, Unified Development Ordinance (Ordinance 2560)**:

1. A definition of “Data Center” in **UDO Section 154-7-050.A**;
2. Amendments to the Business Districts Use Table of **UDO Section 154-3-020.A (Table 3-2)**;
3. Amendments to the Industrial Districts Use Table of **UDO Section 154-4-020.A (Table 4-2)**; and
4. New supplemental use regulations for Data Centers in **UDO Section 154-8-080**.

WHEREAS, companies have expressed an interest in data center projects in Lake County, Indiana.

WHEREAS, the Unincorporated Lake County Advisory Plan Commission, herein after “Plan Commission,” by and through their ordinances and regulations passed by the legislative body, the Lake County Council, hereinafter “Council,” is duly charged with regulating land use for the purpose to protect the health, safety, morals, and general welfare of land owners, residents and the general public.

WHEREAS, the purpose of this amendment is to regulate the establishment and operation of data centers within Unincorporated Lake County to ensure that such facilities are compatible with local land use, minimize environmental impacts, protect natural resources, contribute positively to the community, and encourage transparency, efficiency, and public accountability.

WHEREAS, the Plan Commission and Council desire to implement the following regulations governing the siting, design and operation of data centers in unincorporated Lake County, Indiana.

BE IT ORDAINED by the County Council of the County of Lake, State of Indiana that the Unincorporated Lake County Unified Development Ordinance (UDO) be amended as follows:

1. TO ADD NEW "DATA CENTER" DEFINITION IN UDO SECTION 154-7-050.A:

154-7-050 Wholesale, Distribution & Storage Use Category

This category includes uses that ~~provide store~~ and distribute goods in large quantities, principally to retail sales, commercial services, or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods, and personal items is included. It also includes establishments that store, process, and distribute electronic data. The wholesale, distribution & storage subcategories are as follows.

A. Data Center

A facility 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 similar uses.

~~A.B.~~ Equipment and Materials Storage, Outdoor

Uses related to outdoor storage of equipment, products, or materials, whether or not stored in containers. Examples include contractor and construction equipment storage yards.

~~B.C.~~ Trucking and Transportation Terminals

Uses engaged in the dispatching and long-term or short-term storage of trucks, buses, and other vehicles, including parcel service delivery vehicles, taxis, and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary on-site storage of those items.

~~C.D.~~ Warehouse

Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a "self-service storage facility" or a "trucking and transportation terminal."

~~D.E.~~ Wholesale Sales and Distribution

Uses engaged in the wholesale sales, bulk storage, and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.

2. TO IDENTIFY DATA CENTERS AS A PROHIBITED USE IN ALL “BUSINESS” ZONING DISTRICTS (UDO SECTION 154-3-020.A, TABLE 3-2):

| USE CATEGORY Subcategory (clickable hyperlink to definition) Specific use | Zoning Districts | | | | | | Supplemental Regulations |
|---|------------------|-----|-----|-----|------|------|--------------------------|
| | PO | B-1 | B-2 | B-3 | HS-1 | HS-2 | |
| P = permitted by-right S = special exception approval required – = prohibited | | | | | | | |
| WHOLESALE, DISTRIBUTION & STORAGE | | | | | | | |
| Data Center | – | – | – | – | – | – | |
| Equipment and Materials Storage, Outdoor | – | – | S | P | – | – | |
| Trucking and Transportation Terminals | – | – | S | P | – | – | |
| Warehouse | – | – | S | P | – | – | |
| Wholesale Sales and Distribution | – | – | S | P | – | – | |
| INDUSTRIAL | | | | | | | |
| Artisan Manufacturing | – | – | – | P | – | – | |
| Low-Impact Manufacturing and Industry | – | – | – | S | – | – | |
| AGRICULTURAL | | | | | | | |
| Farm, Traditional | P | P | P | P | P | P | |
| Farm, Hobby | – | – | – | – | – | – | |
| Farm, Non-Traditional (Indoor) | – | – | S | S | – | S | |
| Home Garden | – | P | P | P | – | – | |
| Community Garden | P | P | P | P | P | P | |
| Farm Stand | – | S | S | S | – | – | |
| Farmer's Market | – | S | S | S | – | – | |
| Horticulture Nursery | – | – | – | – | – | P | |
| Agritourism | S | S | S | S | S | S | |
| OTHER | | | | | | | |
| Drive-in or Drive-through Facility | – | S | S | S | P | S | |
| Off-premise Outdoor Advertising Sign | – | – | – | – | – | – | |
| Wireless Communication Facility | | | | | | | See Article 11 |

3. TO IDENTIFY DATA CENTERS AS A SPECIAL EXCEPTION USE IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT AND THE M-2 (HEAVY INDUSTRIAL) ZONING DISTRICT (UDO SECTION 154-4-020.A, TABLE 4-2):

| USE CATEGORY | Zoning Districts | | Supplemental Regulations |
|---|------------------|-----|--------------------------|
| Subcategory (clickable hyperlink to definition) Specific use | M-1 | M-2 | |
| P = permitted by-right S = special exception approval required – = prohibited | | | |
| WHOLESALE, DISTRIBUTION & STORAGE | | | |
| Data Center | S | S | 154-8-090 |
| Equipment and Materials Storage, Outdoor | – | – | |
| Trucking and Transportation Terminals | – | S | |
| Warehouse | P | P | [1] |
| Wholesale Sales and Distribution | P | P | [1] |

4. TO ADD NEW SECTION 154-8-080 CONTAINING SUPPLEMENTAL USE REGULATIONS FOR DATA CENTERS:

154-8-090. Data Centers

Data centers are subject to compliance with the regulations of this section and any other conditions of approval that may be imposed at the time of special exception approval.

A. All applications for special exception approval must include at least the following information in addition to the standard submittal requirements for a special exception use:

1. Site plan identifying:
 - a. Subject property including the property lines, setback lines, and right-of-way lines; and
 - b. Physical features including but not limited to roads, special flood hazard areas, wetlands, existing and proposed buildings, equipment, proposed locations of underground or overhead electric lines and utility poles, landscaping, and fencing.
2. Proposed construction schedule and identification of proposed construction and ongoing maintenance routes from the nearest arterial road, as detailed on a map.
3. Proposed access routes for emergency response vehicles and large semi-tractor trailers as well as a letter of intent with the Lake County Highway Department acknowledging the proposed project and a preliminary agreement with the Highway Department requirements or conditions.
4. Written verification from the Northern Indiana Public Services Company (NIPSCO) indicating that:
 - a. Adequate capacity is available in the supply lines and substation for the proposed data center and to serve the current and future needs of the area and is consistent with the normal projected load growth envisioned by utility;
 - b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed data center; and
 - c. The proposed data center will not cause electrical interference or fluctuations in line voltage.
5. An energy efficiency plan demonstrating the proposed facility's commitment to the use of renewable energy resources and the practices to be used to conserve energy. Such plan shall indicate what percentage of the data center's energy consumption will come from solar, wind, and other renewable energy sources for a minimum timeframe of 25 years.
6. A water management plan detailing how the facility will meet their anticipated cooling needs while minimizing impacts on the local water supply and how the used water will be discharged and disposed.
7. Verification of water rights or an adequate supply of water to serve the facility from a public water utility.

8. Letter of approval from the Indiana Department of Health and local health department or the sanitary sewer utility regarding management of waste and wastewater for the project.
9. Letter of approval from the Lake County Surveyor that the proposed data center will comply with the Lake County Stormwater Management and Clean Water Regulations Ordinance. This may include a bond or letter of credit for required improvements.
10. If located on a state highway, a letter of intent with the Indiana Department of Transportation (INDOT) that acknowledges the proposed project and a preliminary agreement with INDOT requirements or conditions.
11. Visual screening report that includes at least the following:
 - a. An area map showing all properties and principal buildings within 500 feet of the proposed data center site;
 - b. Locations and types of existing vegetation that may provide screening of views of the data center and associated improvements;
 - c. Any topographic features that provide screening of the facility;
 - d. A separate topographic map providing contours of not more than 2 feet of elevation;
 - e. A separate map showing all soils on site along with their classifications; and
 - f. A landscape and screening plan.
12. Preliminary operation and maintenance plan for the data center, including measures for maintaining safe access to the installation, stormwater controls, landscaping maintenance, as well as general procedures for operation and maintenance.
13. Proof of liability insurance.
14. Preliminary emergency response for responding to fire or discharge of environmental contaminants.
15. A noise study and mitigation plan prepared by an acoustical engineer describing the facility's anticipated noise levels and all proposed mitigation efforts (e.g., sound walls, baffles, ventilation silencers, landscaping) that will be employed to ensure compliance with the maximum sound level standard. This required study must confirm that the data center and all components will comply with Chapter 93 of the County Code of Ordinances, Indiana Department of Environmental Management noise guidelines and the regulations of this section.
16. Redacted copy of the lease for the subject property (if leased).
17. All proposed or requested financial incentives for the project. If county financial incentives are provided after a data center receives special exception approval, the previously approved special exception shall lapse and be of no further effect.
18. A decommissioning plan.
19. For data centers that will include more than 100,000 square feet of gross floor area, an Environmental Impact Analyses (EIA) in accordance with I.C. 13-2-4 and the Indiana Environmental Policy Act (IEPA), including Environmental Assessments (EAs) and

Environmental Impact Statements (EISs). Such analyses must include the projected power and water usage of the facility at full operating capacity and a site assessment to determine the possible impacts of the data center on water usage in the area and the ability of the electrical grid to adequately serve both the data center and residents of the area without service disruptions. Further, the EIA must document the anticipated carbon emissions and impacts on any agricultural, historic, and cultural resources in the area. The EIA should include a Phase I ESA report completed to comply with American Society for Testing and Materials (ASTM) E1527-13. Applicants must demonstrate compatibility with the Lake County Comprehensive Plan, especially regarding land conservation and emission reduction goals.

20. In addition to public notice provided pursuant to the special exception procedures, the data center owner/operator must mail (obtaining a certificate of mailing from the U.S. Post Office or receipts from certified mail) notice letters to Lake County Board of Commissioners and Lake County Council for the data center and where it is to be built, as well as to the respective Township Trustee, Lake County Soil and Water Conservation District, Lake County 911, Lake County Sheriff, any participating fire department or fire district, and to all municipalities located within 1.5 miles of the proposed data center.
- B. All equipment and buildings associated with the facility must be set back at least 200 feet from all property lines abutting agricultural or residential-zoned properties.
- C. Maximum sound levels associated with any component of a data center may not exceed 55 decibels (dB), measured at the property line.
- D. All backup generators are subject to compliance with Indiana Department of Environmental Management permitting under 326 Indiana Administrative Code (IAC) 2 and limited to emergency use only.
- E. All mechanical equipment, including power generators or other power supply equipment other than solar panels, must be enclosed or screened from public view.
- F. All on-site utility lines must be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- G. Perimeter security fencing or other county-approved barriers must comply with federal requirements and be designed to prevent unauthorized entry. Fences or other barriers must be at least 6 feet in height.
- H. Data center operators must offer annual training sessions to fire departments responsible for providing fire protection services in the area in which the data center is located. The first such training session must occur within 6 months of the date that the facility begins operation and each calendar year thereafter. Required training must provide participating members of the fire department with information regarding the installation and operation of the data center that is reasonably necessary to allow the fire department to safely and effectively respond to a fire at or discharge or threatened discharge of environmental contaminants by the data center. An annual written report of such training sessions must be provided to the plan commission no later than January 31st of each calendar year.

LAKE COUNTY PLAN COMMISSION
Lake County Government Center
2293 North Main Street
Crown Point, Indiana 46307

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a Public Hearing will be held by the Lake County Plan Commission on Wednesday, July 16, 2025 at 5:30 p.m. in the Commissioners Courtroom/Council Chambers of the Lake County Government Center, located on the 3rd floor of Building A, 2293 North Main Street, Crown Point, Indiana 46307 to consider:

AN ORDINANCE TO AMEND THE UNINCORPORATED LAKE COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) OF LAKE COUNTY, INDIANA, ADOPTED JUNE 13, 2023, AS AMENDED, REGARDING DATA CENTERS, TO ADD TITLE 154, UNIFIED DEVELOPMENT ORDINANCE 2560 AS FOLLOWS:

1. Amendments to the Business Districts Use Table of UDO Section 154-3-020.A (Table 3-2);
2. Amendments to the Industrial Districts Use Table of UDO Section 154-4-020.A (Table 4-2);
3. New supplemental use regulations for Data Centers in UDO Section 154-8-080; and,
4. Definition of "Data Center" in UDO Section 154-7-050.A.

A copy of the proposed Ordinance is on file in the Office of the Lake County Plan Commission, Room A-305, 2293 North Main Street, Crown Point, Indiana 46307, and may be examined in its entirety from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, prior to the Public Hearing.

Written objections will be considered at the Public Hearing and may be filed with the Secretary of the Commission. Such written objections shall be filed at least three (3) working days prior to the Public Hearing. Oral comments concerning the proposal will be heard at the Public Meeting at the date and time affixed above. The Public Hearing may be continued by the Commission from time to time as may be found necessary. After hearing any and all interested parties and all information presented, the Lake County Plan Commission will render a decision on the proposed Ordinance. Their decision will be in the form of a recommendation to the legislative body of Lake County, the Honorable Lake County Council, who is the appropriate body to render a final determination on the proposed Ordinance.

MR. BILL EMERSON, PRESIDENT
LAKE COUNTY PLAN COMMISSION

MR. NED KOVACHEVICH, EXECUTIVE DIRECTOR,
LAKE COUNTY PLAN COMMISSION