



SARAH A. SEATON
PRESIDENT | DISTRICT 1

TERRY J. PHILLIPPE
COMMISSIONER | DISTRICT 2

STACEY FRANZ
VICE PRESIDENT | DISTRICT 3

Warrick County’s Proposed Data Center Ordinance

October 20, 2026

At public hearings, residents raised concerns about how data centers could affect our community, including electricity, water, noise, roads, public safety, property values, jobs, taxes, and what would happen if a data center closed. Those concerns helped shape the proposed ordinance. The County also reviewed its existing zoning ordinance, Comprehensive Plan, and data-center regulations from other communities, and sought input from elected officials, County departments, emergency responders, and other public and private stakeholders.

The proposed ordinance reflects a collaborative effort between the Warrick County Commissioners and the Area Plan Commission (APC). The APC established a committee to study data-center regulations in early 2026, while the Commissioners also worked to develop permanent protections. Both continued their work, shared information, and considered public concerns and stakeholder input in developing the proposal.

The proposed ordinance would establish a Data Center Overlay District (DC-O), requiring each proposed data center to undergo its own public zoning review. Applicants would be required to disclose the full scope of their projects, including infrastructure needs, potential impacts, and proposed safeguards. **Meeting the ordinance’s minimum standards and submitting a complete application does not guarantee approval.** Each project would be evaluated individually based on its location, size, design, infrastructure needs, potential impacts, public input, and consistency with the County’s Comprehensive Plan.

The APC will consider the proposed ordinance at its November 2, 2026, public hearing. The ordinance, dated October 14, 2026, has not been adopted and remains subject to revision. If adopted, it would establish the framework for considering future data-center proposals but would not itself approve any particular project.

Public meetings on the ordinance

The following meetings are planned to consider the proposed countywide ordinance:

November 2, 2026, at 6:00 p.m. | Area Plan Commission public hearing

November 9, 2026, at 4:00 p.m. | Commissioners public meeting

Location for both: Friedman Park Event Center, 2700 Park Boulevard, Newburgh, Indiana 47630.

These meetings concern the proposed ordinance, not any specific project. No data center would be approved at either meeting.

How a project would be reviewed

1	Countywide ordinance	Required standards and safeguards; no project approved
2	Project application	Full campus and proposed limits
3	APC public hearing	Site-specific review and recommendation
4	Commissioners zoning decision	Approve or deny zoning request
5	If zoning is approved	Formal APC development-plan approval, permits and compliance

Understanding the Application and Approval Process

Step 1: Full Project Application.

The applicant must disclose the entire proposed data center project, including all reasonably foreseeable phases. The application must include: (A) proposed maximum project scope; (B) proposed measurable standards and safeguards; (C) potential impacts on the community; (D) supporting studies and technical information; and (E) decommissioning and restoration plans.

Step 2: Technical and Public Review.

APC staff and County reviewers would review the zoning application and obtain technical input as appropriate. The APC would hold a public hearing, evaluate the proposed project and its potential impacts, and make a recommendation.

Step 3: Project-Level Zoning Decision.

For property in unincorporated Warrick County, the Commissioners would decide whether to approve or deny the zoning request after considering the APC's recommendation, public input, and applicable land-use factors. Any approval would establish enforceable project limits and safeguards through the zoning action and required commitments.

Step 4: Development Plans and Permits.

If the required zoning is approved and becomes effective, the developer may submit a formal development-plan application for APC approval. Plans submitted during rezoning could receive preliminary technical review but would not constitute a formal development-plan application or approval. Required permits and other approvals would still apply.

Step 5: Operation and Future Changes.

An approved project must comply with its established limits, operating standards, and applicable reporting, testing, and inspection requirements. Expansion beyond approved project limits would require a new or amended zoning approval. Other material changes would require the applicable review and approvals.

Frequently Asked Questions¹

A. Site selection, County authority, and public participation

1. Does this ordinance approve a data center or require the Commissioners or APC to approve one?

No. It would not approve any data center or require the Commissioners or APC to approve one. Each project would need a separate zoning review. The APC would hold a public hearing and recommend action. The Commissioners would decide the zoning request based on the record.

The County could consider these factors, as they apply to the site:

Land and neighbors: the County's land-use plan, current zoning, nearby homes, schools and parks, property values, setbacks, buffers, views, building height, lighting, and noise.

Project size and services: land area, buildings, later phases, electricity use, power lines, generators, batteries, fuel, cooling, water, wells, wastewater, roads, trucks, and emergency access.

Environment and safety: drainage, flooding, wetlands, groundwater, past mining, soil and ground stability, fire protection, EMS, emergency plans, law enforcement, and site security.

Long-term effects: needed upgrades, who would pay for them, plans to limit impacts, ongoing checks, site cleanup, and fit with the County's future growth.

Meeting the proposed ordinance rules or filing a complete application would not require approval.

Ordinance: Art. XX(B), §§ 2-9, 12-13, 16-17; master application and Appendices A-D.

¹ References to Appendices A-D are to the proposed Data Center Application Packet accompanying the ordinance.

2. Does the ordinance approve any location in advance?

No. The overlay would not approve any site in advance. M-2 zoning, nearby power lines, or former mine land would not give a developer a right to build. The County would review each site's location, neighbors, roads, utilities, safety, and other impacts.

Ordinance: Art. XX(B), §§ 2-4, 8; application: master site plan and impact statement.

3. Who decides whether to approve a project?

The APC would hold the rezoning hearing and make a recommendation. For land in unincorporated Warrick County, the Commissioners would decide the zoning request. For property within a participating municipality, the applicable legislative body would act as provided by Indiana law.

Ordinance: Art. XX(B), §§ 7-8.

4. How can residents take part in public hearings?

The APC would hold a public hearing on each proposed data-center zoning request. Residents could review publicly available application materials and supporting studies, speak at the hearing, or submit written comments under the hearing rules. Public concerns would be considered as part of the zoning review. The applicable legislative body would then decide the zoning request through the required public process. Public application materials would be available through APC staff, subject to applicable public-records laws.

Ordinance: Art. XX(B), §§ 4, 7-8; generally applicable rezoning procedures.

5. What if the Commissioners reject a project or want changes?

The Commissioners could deny a site-specific zoning request. The applicant might revise its plans and seek review again under the required process. If a request is approved, limits or safeguards would need to be placed in legally valid zoning terms, recorded commitments, or other proper agreements. A request would not be approved just because it meets a checklist.

Ordinance: Art. XX(B), §§ 3, 7-10, 20; Art. XXV(A) (commitments).

6. What is the temporary data-center deferral?

The County adopted a temporary 180-day deferral in August 2026 for certain data-center matters while it reviewed permanent rules. The current proposed ordinance would repeal that deferral when a permanent ordinance takes effect.

Amending Ordinance § 7 (repealing Art. XXIV, § 1.5).

7. How would a developer's promises become enforceable?

A promise made in an application or public meeting would not, by itself, be an enforceable project limit. Before the zoning vote, the legislative body would review the final proposed Project Envelope Schedule, Project Standards Schedule, and written commitments. These would identify measurable limits on project scope, operations, monitoring, and other safeguards. Enforceability would depend on incorporation into the zoning action, recorded commitments, or other legally authorized instruments. Staff could verify compliance but could not create new substantive zoning standards after approval.

Ordinance: Art. II (Approved Project Envelope; Project Envelope Schedule; Project Standards Schedule); Art. XX(B), §§ 8-10, 13, 20; Art. XXV(A) (commitments); Appendices A-B.

8. Why not set one size limit for all data centers?

Square footage alone does not show how much power, water, or public service a project may need. Appendix A would identify proposed maximum campus-wide project scope, including buildings, acreage, power, water, equipment, and phases. Appendix B would propose measurable operating and performance standards. These would inform, but not compel, a site-specific zoning decision.

Ordinance: Art. II (Approved Project Envelope; Project Envelope Schedule; Project Standards Schedule); Art. XX(B), §§ 5, 8-9, 12; Appendices A-B.

9. Could a developer split a campus into smaller projects to avoid the rules?

The proposed ordinance would treat related buildings, land, and phases as one campus when they operate as one project. It would call for review of the full planned buildout, not just the first phase. Separate owners, permits, meters, or phases would not by themselves avoid the campus limits. Later phases would still need their required approvals.

Ordinance: Art. II (Data Center Campus); Art. XX(B), §§ 4-5, 9; Appendix A; master application.

10. What happens if a developer wants to expand or change a project?

Expansion beyond a maximum project-scope limit would require another legislative zoning review. Other material changes could require amendments to development plans, permits, or recorded commitments, depending on the change. Only minor changes remaining within approved limits and without materially increased impacts could be approved administratively. A new owner would not gain greater limits simply by acquiring the site.

Ordinance: Art. II (Material Expansion; Material Modification; Minor Administrative Change); Art. XX(B), §§ 9, 14-15; Appendices A-B.

B. Neighborhoods, noise, lighting, and air quality

11. How close could data centers, equipment, or power lines be to homes and schools?

The proposed ordinance requires data-center buildings to be at least 100 feet from the outer campus property line and specified intensive outdoor equipment at least 200 feet away. Buildings must also be at least 300 feet, and such outdoor equipment at least 500 feet, from existing homes, schools, parks, and other protected uses or residential zoning districts. The County could require greater setbacks and other protections for a particular project. Applicants must also identify proposed power lines and substations, although the County's authority to regulate utility infrastructure may be limited by state and federal law.

Ordinance: Art. XX(B), §§ 5, 12(A), 12(F); Art. II (Sensitive Receptor); Appendix B (setbacks/buffers).

12. How would the ordinance address humming and low-pitched noise?

The proposed ordinance requires sound studies before project approval and testing after a facility opens. Studies would address full buildout, low-frequency sound, humming, prominent tones, and generators. The ordinance establishes baseline protections, and project-specific noise limits and measurement requirements would be set based on the proposed facility, its location, nearby homes and other sensitive uses, and technical evidence. Stricter standards, including different day and night limits, may be required. Ongoing testing and compliance requirements would apply.

Ordinance: Art. XX(B), §§ 5, 12(C), 13(D); Appendix B (noise testing and mitigation); Appendix C (acoustic studies).

13. When could generators run, and what about exhaust?

The proposed ordinance treats backup generators differently from generators used for regular power. Routine tests would generally be limited to 8 a.m. to 6 p.m., Monday through Friday, excluding federal holidays. Exceptions would apply for certain emergencies, repairs, and required work. Applicants would have to identify the generators, fuel, planned use, emissions, and proposed locations. The County could require project-specific protections addressing generator placement, setbacks, screening, enclosures, noise, and exhaust impacts, as allowed by law. Applicable air permits and other regulations would still apply.

Ordinance: Art. II (generation definitions); Art. XX(B), §§ 5, 12(G); Appendices A-B.

14. How would the County address lighting and appearance?

The proposed ordinance calls for shielded outdoor lights, generally a color temperature of 3,000 K or less, and lighting plans. Proposed limits at property lines are 0.5 foot-candle near homes or other sensitive areas and 1.0 foot-candle at most other boundaries, with safety exceptions. It also calls for screening and buffers, generally 100 feet near homes and 50 feet along public roads, with listed exceptions.

Ordinance: Art. XX(B), §§ 5, 12(B), (D)-(E); Appendix B (lighting, viewshed, screening).

15. What about air quality and health concerns?

The proposed ordinance would ask for details on generators, fuel, exhaust, permits, noise, water, and other site impacts. State and federal air and safety rules would still apply. County zoning review could consider land-use effects within the County's legal authority.

Ordinance: Art. XX(B), §§ 5, 12(G), (K), (M), 20; master impact statement; Appendix C.

16. How would nearby homes and the area's character be considered?

A project's review would look at nearby homes, schools, parks, property values, traffic, views, lighting, noise, and other local conditions. The County could consider added safeguards for that site when allowed by law.

Ordinance: Art. XX(B), §§ 3, 8, 12(A)-(E); master impact statement; Appendix B.

C. Electricity, water, roads, and the environment

17. Could a data center raise electricity bills?

The County does not set regulated electric rates. The application would require information about the project's maximum electricity demand, proposed power lines and substations, and potential costs. The County could review utility information and obtain independent technical input.

Ordinance: Art. XX(B), §§ 5, 12(F), 20-21; master impact statement; Appendices A and C.

18. How much water could a project use? What about droughts?

The application would require information about cooling systems, water sources, expected daily and annual water use, and plans for drought or water shortage. The proposed ordinance would bar routine once-through cooling. A site approval could set measurable water limits and reporting terms where allowed. Actual supply and impacts would need review for each project.

Ordinance: Art. XX(B), §§ 5, 12(I); master impact statement; Appendices A-B.

19. What about wells, groundwater, streams, and lakes?

The application would address groundwater, water sources, past mining where relevant, and possible effects on nearby wells and other water resources. A project may need more study or changes based on the findings. A water provider's stated capacity would not, by itself, settle whether a site is suitable.

Ordinance: Art. XX(B), §§ 3, 5, 12(I), (K)-(L); master impact statement; Appendix C.

20. Where would wastewater and spills go?

The applicant would identify how much used water it expects, where it would go, its temperature and contents, and any treatment or permits needed. The proposed ordinance also addresses fuel spills, chemicals, storm runoff, and drainage. Any added discharge rules would need a legal basis.

Ordinance: Art. XX(B), §§ 5, 12(I), (K), (M), 20; master impact statement; Appendices A-B.

21. What about truck traffic and damage to roads?

The application would require information about construction traffic, truck routes, heavy loads, roads, bridges, and emergency access. Where a project could damage County roads or require improvements, the County would evaluate the impacts and seek appropriate protections, including road-use agreements, inspections, repairs, and financial responsibility for project-related impacts, as authorized by law.

Ordinance: Art. XX(B), §§ 5, 12(J); master impact statement; Appendix B.

22. What about flooding and dirty runoff?

The application would include a study of drainage and rainwater runoff for the full project, including paved areas, nearby streams and properties, floodplains, and wetlands. It would also address erosion, spills, and water used to fight fires when relevant. The developer would propose ways to limit impacts and maintain drainage systems, subject to applicable rules.

Ordinance: Art. XX(B), §§ 5, 12(K); master impact statement; Appendix C.

23. Are former coal mine sites approved automatically?

No. A former mine site would still need its own review. The applicant would study past mining, ground settling, soil, drainage, water, and building safety. Outside experts could review those studies where appropriate. Past mining would not, by itself, make a site suitable.

Ordinance: Art. XX(B), §§ 3, 5, 12(L); master impact statement; Appendix C.

24. Could a data center have its own generators or large batteries?

The proposed ordinance would require details on backup power, regular power generation, and large battery systems. The application would list size, fuel or battery type, use, exhaust, risks, and proposed safeguards. The County could review these features as part of the campus where the law allows. State or federal law may control some parts.

Ordinance: Art. II (generation and BESS definitions); Art. XX(B), §§ 5, 12(G)-(H), 20; Appendix A.

D. Fire, security, monitoring, and end-of-life responsibilities

25. How would the proposed ordinance address fires and other emergencies?

The application would cover batteries, fuel, chemicals, fire risks, fire water, alarms, emergency shutoffs, access for responders, and response plans. Fire, EMS, and emergency staff could review these issues. A project might need added safeguards or agreements for training, equipment, or costs, as allowed by law.

Ordinance: Art. XX(B), §§ 5-6, 12(H), (M); master impact statement; Appendix B.

26. What about police access, 911, and emergency radios?

The application would require information about site security, 24-hour emergency contacts, emergency access, and coordination with police, fire, EMS, and dispatch. Sheriff's Office and dispatch input raised building and door numbers, radio service inside large buildings, staff to guide responders, and training. Site-specific rules could address these needs where allowed.

Ordinance: Art. XX(B), §§ 5, 12(M), 13; master impact statement (security/public-safety sections); Appendix B.

27. Would the County rely only on the developer's studies?

No. The County may obtain independent expert reviews of a project's electricity, water, noise, traffic, safety, environmental, and other impacts. Developer-provided studies do not bind the County. The County intends to require appropriate developer-funded reimbursement arrangements for independent reviews, subject to applicable law and separate agreements.

Ordinance: Art. XX(B), §§ 5-6; Appendix C.

28. Who would check for problems after a data center opens?

The proposed ordinance calls for annual compliance reporting on power, water, generators, noise, complaints, and incidents, as applicable. Project-specific monitoring and testing obligations would be fixed through the approved standards and lawful instruments. The County could inspect and verify compliance as authorized by law. Violations could lead to notices, corrective action, or enforcement through applicable legal procedures.

Ordinance: Art. XX(B), §§ 13, 18; Appendix B (measurement and response protocols).

29. What happens if a data center violates the ordinance or its approval conditions?

The proposed ordinance requires monitoring, reporting, and compliance testing. If a data center violates the ordinance or an enforceable approval condition, the County may require corrective action and pursue remedies authorized by law, including asking a court to order the violation stopped. Depending on the violation and the relief a court grants, such an order could require the data center to temporarily or permanently cease operations. The County may also seek fines or other remedies where legally authorized. A violation does not automatically revoke the property's zoning.

Ordinance: Art. XX(B), §§ 13, 18, 20; applicable zoning-enforcement law.

30. What if a data center closes and leaves buildings behind?

The applicant would submit a plan and cost estimate for taking down unused parts and restoring the site. The proposed ordinance also addresses when a site counts as abandoned. It proposes financial security for cleanup where Indiana law allows, with cost reviews at least every five years and after major changes. The final duties and any funding protection would depend on project-specific approvals and agreements.

Ordinance: Art. XX(B), §§ 16-17; Appendix D; Appendix B.

31. What if a project never starts, shuts down, or changes owners?

The proposed ordinance addresses projects that fail to begin, stop operating, or are abandoned. It provides a process for determining project failure and seeks to return the property to its prior zoning classification to the extent permitted by Indiana law. Any required zoning change would follow applicable legal procedures. Ownership changes would not automatically eliminate existing project obligations, including decommissioning and financial safeguards.

Ordinance: Art. XX(B), §§ 15-17; Appendices A and D.

E. Public costs, economic benefits, and limits of the ordinance

32. Who would pay for roads, utilities, safety equipment, and County review?

The application would require the developer to identify needed road, utility, public-safety, and other infrastructure improvements, their anticipated costs, and who would be responsible for them. The County could pursue appropriate agreements addressing project-related costs and infrastructure protections, as authorized by law.

Ordinance: Art. XX(B), §§ 5-6, 12(F), (J), (M), 21; master impact statement.

33. What about jobs, tax revenue, and other local benefits?

The zoning application would focus on land use and project impacts, not prove economic gains. Any tax break or other deal would need its own review and approvals.

Ordinance: Art. XX(B), § 21; separate County fiscal/economic-development review.

34. Would zoning approval also give a developer tax breaks or other deals?

No. Zoning approval does not automatically provide tax incentives, public funding, or other economic benefits. Those matters require separate consideration and any legally required approvals. The zoning decision will be based on applicable land-use considerations, not whether the developer agrees to a separate financial arrangement.

Ordinance: Art. XX(B), §§ 8, 20-21.

35. Would the ordinance control how a data center uses people's data?

No. This is a land-use proposal. It addresses the site's size, buildings, equipment, safety, and physical security. The application would identify owners and operators as required, but the ordinance would not regulate what data is stored or sold. Data privacy and online security are covered by other laws.

Ordinance: Art. II; Art. XX(B), §§ 5, 12(M), 20; master application (project parties).

36. What is the main safeguard in this process?

Completing the application and submitting all required studies and data would not guarantee zoning approval. The APC would hold a public hearing and make a recommendation. For land in unincorporated Warrick County, the Commissioners would consider the application, supporting studies, public input, the APC's recommendation, the County's Comprehensive Plan, and other applicable land-use factors before deciding whether to approve or deny the zoning request. Any approval would establish project limits and safeguards. Formal APC development-plan approval, permits, and continuing compliance would remain separate requirements.

Ordinance: Art. XX(B), §§ 2(C), 3(C)-(D), 7-8, 11-12, 20; Art. XII(C), § 8; initial application packet and Appendices A-D.