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RESOLUTION NO. 2026-PC-15

A RESOLUTION OF THE STARKE COUNTY PLAN COMMISSION FORWARDING A RECOMMENDATION TO THE BOARD OF COMMISSIONERS REGARDING ORDINANCE NO. 2026-___ (AMENDING THE ZONING ORDINANCE TO DEFINE AND PROHIBIT COMMERCIAL DATA CENTERS)

WHEREAS, pursuant to Indiana Code § 36-7-4-604, the Starke County Plan Commission is authorized to initiate, consider, and forward recommendations regarding amendments to the Starke County Zoning Ordinance; and

WHEREAS, the Plan Commission held a properly noticed Public Hearing on the 22nd day of April, 2026, at the Starke County High School Auditorium to consider the above-referenced zoning ordinance amendment; and

WHEREAS, notice of said public hearing was legally published in The Leader on the 9th day of April, 2026, satisfying the statutory 10-day notice requirement; and

WHEREAS, the Plan Commission has paid reasonable regard to the Starke County Comprehensive Plan, current conditions and the character of current structures and uses, the most desirable use for which the land is adapted, the conservation of property values, responsible growth and development, and the formally adopted Findings of Fact specific to this subject matter;

NOW, THEREFORE, BE IT RESOLVED by the Starke County Plan Commission that Ordinance No. 2026-___ is hereby forwarded to the Board of Commissioners of Starke County, Indiana, with a:

[] FAVORABLE RECOMMENDATION [] UNFAVORABLE RECOMMENDATION [] NO RECOMMENDATION

BE IT FURTHER RESOLVED, that this action and recommendation were carried by the following roll call vote of the Plan Commission members present: YEAS: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

ADOPTED by the Starke County Plan Commission this 22nd day of April, 2026.

STARKE COUNTY PLAN COMMISSION

Mike VanDeMark, President

ATTEST:

John McCurrie III, Secretary / Director of Planning and Building

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ORDINANCE NO. 2026-__

AN ORDINANCE AMENDING THE STARKE COUNTY ZONING ORDINANCE TO DEFINE AND PROHIBIT COMMERCIAL DATA CENTERS

WHEREAS, the Starke County Plan Commission previously adopted Resolution 2026-PC-__, which established formal Findings of Fact detailing the severe impacts of Commercial Data Centers on local aquifers, agricultural land, and rural infrastructure; and

WHEREAS, the Board of Commissioners of Starke County determines that the extreme water consumption, electrical grid strain, and low-frequency noise generated by hyperscale data facilities are fundamentally incompatible with all existing zoning districts within the county; and

WHEREAS, the Board of Commissioners determines that a total prohibition of such facilities is necessary to protect the public health, safety, and general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Starke County, Indiana, that the Starke County Zoning Ordinance is hereby amended as follows:

SECTION 1. AMENDMENTS TO DEFINITIONS (ARTICLE 6)

The following definitions are hereby added to the Starke County Zoning Ordinance:

- **COMMERCIAL DATA CENTER:** A facility, building, structure, group of buildings, shipping container, modular enclosure, or mobile unit utilized for the housing, processing, storage, and distribution of data, utilizing a concentration of computer servers, network equipment, and associated highly specialized cooling and electrical infrastructure. This definition explicitly includes "Hyperscale" data centers, crypto-mining facilities, and server farms, but excludes standard telecommunications relay cabinets, infrastructure owned and operated by a franchised or public utility providing broadband/internet service to the general public, or internal IT rooms that are strictly accessory to a permitted principal commercial, industrial, or agricultural use, provided such rooms in aggregate on a single parcel do not exceed 500 square feet in net floor area or draw more than 50 kW of connected electrical load.
- **CONSUMPTIVE EVAPORATIVE COOLING SYSTEM:** An industrial cooling system, including but not limited to wet cooling towers and direct evaporative chillers, that continuously evaporates water into the atmosphere as its primary method of heat rejection.

SECTION 2. ZONING DISTRICT USE REGULATIONS: TOTAL PROHIBITION

- **General Prohibition:** Commercial Data Centers, as defined in Section 1 of this Ordinance, are hereby strictly prohibited as either a principal use or an accessory use within all zoning districts under the territorial jurisdiction of the Starke County Plan Commission, explicitly including any proposed or adopted Planned Unit Developments (PUD).

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- **Cooling System Prohibition:** To protect the county aquifer and local water resources, Consumptive Evaporative Cooling Systems are hereby strictly prohibited as a principal or accessory use within all zoning districts under the territorial jurisdiction of the Starke County Plan Commission.
- **Legislative Intent Regarding Exceptions and Variances:** The Board of Commissioners hereby establishes that Commercial Data Centers are fundamentally incompatible with the public health, safety, general welfare, and the Starke County Comprehensive Plan. Therefore, they are expressly omitted from all lists of permitted uses, special exceptions, and conditional uses. Any petition for a use variance to permit the construction, operation, or expansion of a Commercial Data Center shall be evaluated by the Board of Zoning Appeals (BZA) against these strict legislative findings of inherent incompatibility.
- **Agricultural Exemption Inapplicability:** The operation of a Commercial Data Center, as defined in Section 1, shall be strictly classified as a commercial or industrial land use. Such operations shall not be classified as an agricultural use, an accessory agricultural use, or a heating appliance under Indiana Code (IC § 36-7-4-616), regardless of whether waste heat is captured, vented, or utilized for attached agricultural operations, including but not limited to commercial greenhouses or livestock facilities.
- **Infrastructure Circumvention:** The permitting, construction, or installation of utility-scale substations or Standalone Battery Energy Storage Systems (BESS) shall be strictly prohibited if the primary designated purpose of such infrastructure is to provide power to a prohibited Commercial Data Center. This provision acts in addition to, and does not repeal or replace, any existing Starke County ordinances regulating the development of Standalone Battery Energy Storage Systems for permitted uses.

SECTION 3. ENFORCEMENT AND PENALTIES

Any violation of this Ordinance shall result in immediate stop-work orders, permit revocation, and the maximum daily fines established in the Starke County Zoning Ordinance.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS

Any existing ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Starke County, Indiana, and publication as required by law.

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PASSED AND ADOPTED BY THE STARKE COUNTY BOARD OF COMMISSIONERS

This ____ day of _____, 2026.

Mike VanDeMark, President

Donny Binkley, Member

Charles Chesak, Member

ATTEST:

Michaelene Houston, Starke County Auditor

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