

ARTICLE 4. SPECIAL USE STANDARDS

Sec. 4-1 Data Center

4-1-1 Purpose

This section is established to accommodate development of data centers in McKenzie County; to protect public health, safety, and welfare; and to minimize adverse impacts to pre-existing development and utilities.

4-1-2 Definitions

Data Center. A building or group of buildings used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, and other components related to digital data storage and operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. Cryptocurrency mining operations and other data-intensive uses are included in this definition.

4-1-3 Permitting Districts

Data centers are permitted with a conditional use permit in the Light industrial District (I-1) and the Heavy Industrial District (I-2), subject to the standards of this section.

4-1-4 Building Permit Required

Data centers and related facilities/structures require a building permit. Skid units may be allowed as part of a data center and must pay applicable fees as required in this ordinance.

4-1-5 Development Standards

- (A) **Building Height.** Buildings shall follow height requirements in the applicable zoning district.
- (B) **Principal Building Facades.** All exterior building facades that face a public right-of-way shall avoid the use of plain, undifferentiated surfaces by including the following at horizontal intervals of no less than 150 linear feet:
 - (1) Fenestration, and;
 - (2) At least one of the following design elements:

- (a) Change in building height;
 - (b) Building step-backs or recesses;
 - (c) Change in building material, pattern, texture, or color, or;
 - (d) Use of architectural accent materials.
- (C) **Mechanical Equipment.**
- (1) Power generators, cooling and storage facilities, and other data center mechanical equipment and associated infrastructure serving the use must be visually screened using materials and treatment compatible with materials used on the exterior construction of the principal building.
 - (2) Ground-mounted mechanical equipment shall not be located in any required front yard.
- (D) **Landscaping and Buffer Yards.** Landscaping shall comply with the buffer yard and parking lot perimeter landscaping requirements of this ordinance (Article 2).
- (E) **Lighting.** All exterior lighting shall be designed and constructed with fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and properties.
- (F) **Electric Wiring.** Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.
- (G) **Electronic Waste.** All electronic waste generated by the use shall be handled by a recycling facility approved by the North Dakota Department of Environmental Quality (DEQ).
- (H) **Loading Bay.** Loading bays are permitted to be located on only one façade and must be screened from view from existing or planned public roads.
- (I) **Setbacks.** All structures and mechanical equipment shall be set back a minimum of 50 feet from all property lines and a minimum of 500 feet from all residential dwellings, schools, and religious centers.

4-1-6 **Application Requirements**

A development application for a data center shall include the following:

- (A) **Project Description.** A narrative describing the proposed data center including an overview of the project and utility needs (i.e., water and electric) during peak operation.
- (B) **Site Plan.** A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, and roads.
- (C) **Utility Approval.** Written verification from the electric utility provider stating the following:
 - (1) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use;
 - (2) The use will not cause electrical interference or fluctuations in line voltage on or off the operating premises.
- (D) **Sound Study.** All applications shall include a study prepared by an acoustical engineer that describes the anticipated noise level of the data center that is detectable from property lines, and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.
- (E) **Additional Items.** Other relevant studies, reports, certifications, and approvals as may reasonably be requested by McKenzie County to ensure compliance with this section.
- (F) **Platting Process.** Applicants shall satisfy all requirements for subdivision platting and easement recordation, as needed. See *Article 6 – Subdivision Regulation*.

4-1-7 Abandonment

It is the responsibility of the owner to notify McKenzie County and to remove all obsolete or unused systems. Any structure or equipment associated with a data center that is not operated for a continuous period of 365 days shall be considered abandoned, and the County may require the owner to remove such structures and equipment within 90 days after notice from the County. If the abandoned structure or equipment is not removed within 90 days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.