

Data center - A facility whose primary service is data processing or storing, and housing computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a data center. Data centers shall be allowed in the General Commercial and General Industrial zoning districts as a special use.

Micro data centers - Compact, self-contained computing facilities that include components like servers, storage, networking, power, and cooling on a small scale. A micro data center (MDC) is designed to be deployed in close proximity to the users or devices it serves. These portable units can be deployed indoors or outdoors, support IT loads of 1-100 kW and occupy less than 100 square feet of space.

Data Centers

The intent of this section is to minimize the potential off-site impacts of data center development to protect public health, safety, and the general welfare of City residents.

Exemption

Data centers which are solely located on an oil and gas well site or underground gathering pipeline line facility and which are subject to the exclusive jurisdiction of the North Dakota Industrial Commission pursuant to NDCC Chapter 38-08, or any successor statute, are exempt from the provisions of this Section.

Application Requirements

Data centers shall be allowed in the General Commercial and General Industrial zoning districts as a special use.

The application for the installation or construction of a Data Center, or for modifications to a lawfully existing Data Center beyond routine maintenance, shall follow the application procedures for Special Use Permits and any other procedures as required by this Ordinance, such as zoning map amendments, platting, or variances. Additionally, applications shall include the following items.

- **Applicant Name and Contact Information:** The applicant must also identify on the application, if different than the applicant, the record Owner of the property, the occupant or lessee of the property, and the operator of the Data Center.
- **Narrative:** A narrative describing the proposed project, including a description of how the project meets market demand, the facility's processing capacity, and the facility's anticipated water and electricity needs.
- **Acoustic Study:** A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, etc.

- Site Plan: A Site Plan, drawn to scale, showing the location and dimensions of all existing and proposed structures, screening, fencing, lighting, electrical connections, property lines, and roadway access.
- Project Area Map: A map of the project area showing all single-family and multi-family dwellings, schools, churches, synagogues, and other similar religious institutions or structures, and public parks located within one (1) mile of the exterior boundaries of the property where the Data Center will be located.
- Copies of Permits and Documentation: Copies of signed permits or other documentation that indicates compliance with all applicable State and Federal laws, statutes, rules, regulatory standards, including but not limited to the North Dakota State Electrical Board and the North Dakota State Electrical Code, and any Amendments thereto.
- Power Purchase Agreement: Copy of the signed electrical power purchase agreement. If one is not available at the time of application, the application may be accepted. However, no Special Use Permit may be approved by the Board of County Commissioners prior to a signed electrical power purchase agreement being provided to the Planning Department.
- Other Documentation: Other relevant studies, reports, certifications, or approvals as may be required by the Community Development Director to ensure compliance with this Section and this Ordinance.

Development Standards

- Separation from Sensitive Properties: Data Centers shall be set back at least one (1) mile from all Dwellings, Schools, Places of Religious Assembly, and Parks as measured from the nearest property line of any of these sensitive properties to the Data Center's exterior property lines.
- Separation from Other Data Centers: New Data Centers shall be set back at least three (3) miles from any lawfully existing Data Center.
- Height: All Buildings, Structures, and appurtenances on the property where the Data Center will be located shall meet the height requirements of the respective zoning district for which they reside.
- Electrical Wiring: All electrical wiring shall be buried underground, except where wiring is brought together for interconnection to system components or the local utility power grid, provided that all electrical wiring shall comply with the North Dakota State Electrical Board, and any of its rules and regulations.
- Security Fencing: A site obscuring fence at least six (6) feet in height shall be constructed and maintained around the entire perimeter of the facility to prevent unauthorized entry onto the property or into the facility. Any fencing shall comply with this Ordinance.
- Buffering and Screening: The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard. The side and rear buffer yards shall be a minimum of fifty (50) feet and the minimum front buffer yard shall be one-hundred fifty (50) feet.
- Electrical Generators: All electrical generators shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material a minimum of four (4) feet higher than the highest point on the generator. This requirement may be reduced, or

eliminated if a noise mitigation plan is submitted in accordance with all other requirements of this Zoning Ordinance demonstrating that peak sound levels do not exceed those allowed in this Section.

- Exterior Lighting Standards: Exterior lighting for the Data Center shall be hooded and directed downward.
- Accessory Structures and Appurtenances: All accessory structures or appurtenances, including those constructed for noise mitigation, shall be designed in a manner that is complementary with the primary building(s) and shall be finished in a non-obtrusive color.
- Storm Drainage, Erosion Control, Grading, and Drainage: The Data Center shall comply with all storm drainage, erosion control, grading, and drainage requirements.
- Signage: No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed thirty-two (32) square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.
- Storage: The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.

Development Agreement.

The applicant and, if different than the applicant, the record owner of the property, the occupant or lessee of the property, and/or the operator of the Data Center, as determined appropriate by the City, shall sign a development agreement which shall include, at a minimum, provisions surrounding the posting and use of financial security, exterior and interior road construction or improvement, road maintenance, improvements related to storm drainage, erosion control, grading, and drainage, reclamation and restoration, and/or any other condition imposed by this Section, this Ordinance, or the City Commission in approving installation of construction of the Data Center or modifications to a lawfully existing Data Center beyond routine maintenance.

Abandonment or Ceasing Operations

It is the responsibility of the original applicant or, if different, the record owner of the property, the occupant or lessee of the property, and the operator of the data center to notify the City in writing, at least six (6) months in advance, of the intent to abandon or cease operations of the data center. Any data center that is not operated for a continuous period of six (6) months shall automatically be considered abandoned, and the City may require the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and the operator of the data center to reclaim and restore the property within ninety (90) days after written notice to reclaim and restore the property from the City. Any such reclamation and restoration shall include, but is not limited to, removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and removal and disposal of

all other facilities, structures, equipment, and materials on or under the property. If the property is not fully reclaimed and restored as required by this Chapter and/or any Development Agreement within ninety (90) days after written notice from the City, the City may reclaim and restore the property, or cause the property to be reclaimed and restored, including, but not limited to, removal and disposal of all above-ground structures, underground structures, and utilities to depth of four feet, and removal and disposal of all other facilities, structures, equipment, and materials on or under the property and recover costs directly from the original applicant, or if different, the record owner of the property, the occupant or lessee of the property, and/or the operator of the data center. The City may also, at its discretion, recover such costs, by access to and use of the financial security provided and on file for the data center, or by lien or special assessment, or any other remedy, authorized by law or the Development Agreement entered into under this Chapter. Nothing in this Chapter is intended to impose, or imposes, a mandatory obligation on the City to reclaim and restore the property.