

## North Dakota Model Data Center Zoning Ordinance

This document is the result of a collaborative effort designed to assist North Dakota cities, counties and townships in addressing the requests for data centers to be located in their communities and to help provide certainty to data center businesses looking to locate in North Dakota. The content was developed by a diverse work group representing local government and industry stakeholders, including:

- North Dakota Association of Counties,
- North Dakota Planning Association,
- North Dakota Township Officers Association,
- North Dakota League of Cities, Greater North Dakota Chamber, and
- Tech ND.

### A. Purpose and Implementation

This document is intended to serve as a starting place for cities, counties, and townships. It is not a "plug-and-play" ordinance but rather a foundational framework.

To utilize this model effectively, adopting political subdivisions must:

1. Reformat the text to align with the specific style, numbering system, and structure of their existing zoning code.
2. Insert internal references to ensure this section integrates seamlessly with existing definitions, procedural requirements, and general provisions within their local code.

### B. Scope of Regulation

Please note that this version of the model ordinance addresses data centers generally. The work group recognizes that more work needs to be done to structure regulations that are appropriate for smaller facilities but prioritized getting a resource available for political subdivisions that addresses data centers generally.

### C. Future Resources

The work group remains active and is currently parsing out specific regulatory recommendations for smaller data centers. The work group aims to release these additional resources, tailored to the unique footprint and requirements of smaller facilities, late in Spring 2026.

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Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, servers, and other equipment, appliances, and components related to digital data storage and operations.

Permissible District. A Data Center is a permitted use in zoning districts classified as industrial. A Data Center will be permitted only through a [special use permit/conditional use permit] in zoning districts classified as agricultural.<sup>1</sup>

## Section \_\_\_\_\_. Data Centers

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### A. Purpose

The purpose of this Section is to establish standards and regulations for the development and operation of Data Centers in accordance with the purposes stated in Section \_\_\_\_\_.<sup>2</sup>

### B. Development Permit Requirements

In addition to standard Development Permit requirements, the following materials or entitlements that shall be required to effectuate a Data Center:

1. Identification of the owner/operator of the Data Center.
2. A narrative describing the proposed project, including cooling method, anticipated design life, estimated daily trips during construction and operation, including heavy trucks and passenger vehicles, and general construction phasing plan, description of wastewater the facility will create and approach to managing discharges (if applicable).
3. Prior to approval, the applicant shall submit an Acoustic Impact Report prepared and signed by a licensed professional engineer with demonstrated acoustical engineering expertise. The report shall:
  - a. Identify all major sound-emitting source points (e.g., chillers, generators, cooling units, substations) and list the predicted sound pressure level produced by each major sound-emitting source type;
  - b. quantify the cumulative predicted sound pressure levels from the project (of the

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<sup>1</sup> Jurisdictions need to match zoning district language with their current zoning codes.

<sup>2</sup> This section should refer to the jurisdiction's general zoning purposes provision.

specific project phase under review), accounting for concurrent operation of sources not including operation of backup sources;

- c. report the existing measured ambient cumulative sound pressure levels at the lease or owned project land boundaries; and

TWO OPTIONS FOR REPORTING REQUIREMENTS – JURISDICTIONS  
NEED TO PICK ONE PROVISION<sup>1</sup>

Option 1

- d. model and report the existing and predicted cumulative sound pressure levels for each Lot within one-half mile of the source point(s) as measured to the nearest point on a Lot Line (“Receptor Site”).

Option 2

- d. model and report the predicted cumulative sound pressure levels based on known components out until equal to, or less than, levels established in \_\_\_\_\_, for normal operation, as measured to the nearest point on a Lot Line (“Receptor Site”).<sup>2</sup>

Results shall be expressed in A-weighted decibels (dBA) as sound pressure levels with notation of any prominent tonality or impulsive events, and be supported by a description of operating scenarios, Receptor Sites, terrain/ground absorption, shielding, and meteorological assumptions. The report shall also include a map referencing all project structures, a summary table comparing predicted levels to applicable requirements, and recommended mitigation, if any, needed to achieve compliance. Penalties to the requirements shall be applied per ANSI S12.9 for identified tonal or impulsive sound sources or events.

4. A site plan conforming with \_\_\_\_\_.<sup>3</sup>
5. A map of the project area showing all of the following Uses and Receptor Sites within one-half of a mile of the exterior boundaries of the property where the Data Center will be located:

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<sup>1</sup> Option 1 is intended for urban areas that have more development, generally industrial zoned areas. Option 2 is intended for more rural areas that are generally zoned agricultural.

<sup>2</sup> Jurisdiction should refer to its own noise ordinance.

<sup>3</sup> Jurisdiction should refer to jurisdiction’s code that defines the requirements of a site plan. If jurisdiction does not have a provision on site plans, there is a list of potential items to require in the appendix.

- a. All existing Buildings currently occupied;
  - b. Campgrounds;
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- c. Manufactured Home or RV Parks; and
  - d. Parks or recreational areas.
6. Applicant to develop, in coordination with local jurisdiction, a list of agencies necessary for project compliance with all applicable State and Federal laws, statutes, rules, and regulatory standards, and an anticipated schedule for necessary approvals.
  7. Written verification from the electrical provider that sufficient capacity will be available to meet anticipated needs for electrical power.
  8. Written verification from the water utility that sufficient capacity will be available to meet anticipated needs for water.
  9. Prior to the issuance of Development Permits, the applicant shall enter into a Development Agreement if required by the local permitting jurisdiction.
  10. Any other relevant studies, reports, certifications, or approvals as may be required by local permitting jurisdiction to ensure compliance with this Section and this Ordinance.

### C. Use Standards

1. Noise perceived from Receptor Site(s), as measured from any source point(s), shall not exceed the sound pressure levels provided in \_\_\_\_\_ for normal operation. If necessary, noise mitigation shall be required to achieve compliance. Noise mitigation may include, but is not limited to, the use of low-noise fans, earthen berms, sound walls, or enclosures.<sup>4</sup>
2. The sound pressure levels stated above may be temporarily exceeded during emergency operations due to power grid interruptions.<sup>5</sup>
3. Testing and maintenance operations for emergency generators shall only occur between the hours of 7 AM and 9 PM. Only one generator may be tested at a time at the site.
4. A landscaped buffer yard shall be installed in accordance with \_\_\_\_\_ of this Ordinance.<sup>6</sup>
5. All-weather access will be maintained by the owner/operator unless the access is dedicated and accepted by the local permitting jurisdiction.

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<sup>4</sup> Jurisdiction should reference its own noise ordinance.

<sup>5</sup> Only include provision if it is not addressed in noise ordinance.

<sup>6</sup> Refer to your own section if you have requirements, otherwise delete provision.

6. All data processing and storage is contained within a permanent structure or structures constructed in compliance with the locally-adopted version of the International Building Code and the International Fire Code.

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## Appendix

Items jurisdiction might want to include in site plan requirements if it does not have established guidelines:

- a. Scaled exhibit(s) providing property boundary linework;
- b. Existing and proposed topographic data/linework;
- c. Outline of all existing structures;
- d. Location of all major proposed equipment and enclosures (examples may include generators, exterior cooling system components, etc.);
- e. Location and layout of power generation systems;
- f. Location of existing and proposed utility lines and major infrastructure (water lines, electrical lines, oil and gas pipelines, etc.);
- g. Existing easements (should include easement width and recorded document numbers, either as a label or in a notes table);
- h. An erosion control plan, if development disturbs an area of one acre or more;
- i. Existing watercourses and Flood Hazard Zones;
- j. Location of septic system;
- k. Stormwater management components (such as retention areas, channels, etc.);
- l. Wastewater discharge outlets, reservoirs and treatment facilities;
- m. Above ground and below ground tanks;
- n. Location of permanent parking area(s);
- o. Outline of construction staging area(s);
- p. Setback distances, in feet, between project components and the property boundary;
- q. Fence locations with a note as to type and height; swing gate dimensions, if swing gates will be used;
- r. Location of hard surfaces, gravel surfaces, and any otherwise improved surfaces;

- s. Location of contiguous fire break;
- t. Existing and proposed access points;
- u. Location and specifications proposed for fences, walls, or light fixtures/poles;
- v. Landscaping buffers and/or visual screening; and
- w. Any additional information as requested by local permitting jurisdiction necessary for site plan approval.