

PLANNING AND ZONING ORDINANCE 25-
MCPHERSON COUNTY
SOUTH DAKOTA

FIRST PUBLIC READING:
SECOND PUBLIC READING:
ADOPTED:

EFFECTIVE DATE:

ORDINANCE 2025-1
AN ORDINANCE AMENDING MCPHERSON COUNTY ORDINANCE 24-1, AN ORDINANCE
ESTABLISHING ZONING REGULATIONS FOR DATA PROCESSING CENTERS IN
MCPHERSON COUNTY

BE IT ORDAINED BY MCPHERSON COUNTY, SOUTH DAKOTA:

Article II, Definitions, of McPherson County Planning and Zoning Ordinance 24-1 shall be amended to include the following definition for Data Processing Center:

Data Processing Center. A building, dedicated space within a building, or group of structures used to house and maintain electronic hardware, computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, management, processing, or distribution of electronic data. Examples of such data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

The definition for Data Processing Center shall be inserted after the definition for Convenience Store and before the definition for Decommissioning. All other portions of Article II shall remain the same.

Article IV, District Requirements, Chapter 4.01, Agricultural Land District, Section 4.01.03, Conditional Uses, of McPherson County Planning and Zoning Ordinance 24-1 shall be amended to include Data Processing Center as follows:

CHAPTER 4.01. "A" AGRICULTURAL LAND DISTRICT

Section 4.01.01. Permitted Uses:

1. Field crops and grasslands (exempt from building permit).
2. Fisheries services.
3. Game propagation areas.
4. Government grain storage sites.
5. Orchards and tree farms.
6. Public parks and recreation areas.
7. Truck gardening.
8. Botanical gardens (nurseries and greenhouses); without on-site retail sales.
9. Farm and Non-farm dwelling, to include modular home or for a manufactured home connected to an existing farmstead, but not within one (1) mile of a concentrated animal feeding operation unless a waiver of such setback is registered with the McPherson County Register of Deeds specifying the legal description of the farm dwelling or non-farm dwelling property.
10. Stables.
11. Grain bins.
12. Home occupations.
13. Bed and Breakfast provided they meet requirements of 5.20.
14. Agricultural activities and farm related buildings, including concentrated animal feeding operations that do not meet the minimum requirements of Chapter 5.08.
15. On-premise signs.
16. Accessory uses and buildings.
17. Temporary roadside stands for sales of agricultural products grown or produced on the premises.
18. Private Wind Energy Conversion System (PWECS). Provided they meet the requirements of Chapter 5.21.
19. Data Processing Centers. Provided the requirements of Article VII are met.

Article V, General Requirements, shall be amended to include Chapter 5.33, Data Processing Centers, as follows:

CHAPTER 5.33 DATA PROCESSING CENTERS.

Section 5.33.01. Siting Requirements.

1. Data processing centers shall comply with the following requirements:
 - a. Fencing: A six (6) foot sight obscuring screening fence shall be required along the entire perimeter of the facility. Such fence shall comply with all other requirements of McPherson County Zoning Ordinance.
 - b. 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 McPherson County Zoning Ordinance demonstrating that peak sound levels do not exceed those allowed in this Section.
 - c. Yard requirements: 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.
2. All equipment and structures shall be a minimum of fifty feet from the property boundary of the facility as delineated on the site plan and one mile (5,280 feet) from any church, school, or occupied residence.

Section 5.33.02. Utility Notification

1. No grid-connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement. Written verification from the Electric Utility provider shall state the following:
 - a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the data center.
 - b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
 - c. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

Section 5.33.03. Noise.

1. All proposed data centers that are within one mile (5,280 feet) of a residence, church, or school shall submit a noise mitigation plan in accordance with the following:

- a. Name and qualifications of the person who measured the decibel levels.
- b. Equipment used.
- c. Location of the noise measurements depicted on a scaled site plan. The points of measurement shall be at all property lines and other noise receptors (residences, etc.).
- d. A list of all sound sources that contribute to the overall sound emissions from the site and the following for each source;
 - i. Peak sound levels, in decibels, emitted by each source; and,
 - ii. Sound levels, in decibels, for sound continuously emitted by each source for a duration exceeding thirty (30) minutes; and,
 - iii. The frequencies of the sound emissions from each source;
 - iv. A site diagram showing the location of each sound source.
- e. A description of any and all methods, systems, devices or structures intended to be used to mitigate sound emissions, including technical specifications, descriptions of materials and/or engineering specifications.
- f. A certification, signed by the preparer of the document, certifying the accuracy of the materials contained within the noise mitigation plan and that the plan will effectively reduce sound emissions to levels required by McPherson County.
- g. The county reserves the right to require independent verification of noise measurements and/or to request additional measurements at different points on the property.
- h. The maximum sound level allowed as measured from the receiving physical structure of any occupied residence, church or government building is fifty-five (55) dBA after any applicable adjustments provided for herein are applied.
 - i. Between the hours of 10:00 p.m. and 7:00 a.m. the maximum sound level allowed as measured from the receiving physical structure of any occupied residence, church or government building of forty-five (45) dBa after any applicable adjustments provided for herein are applied.
 - ii. At any hour of the day or night the applicable noise limitations in (h) and (i) above may be exceeded for any receiving property by no more than:
 - 1) 5 dBA for a total of 15 minutes in any one-hour period; or
 - 2) 10 dBA for a total of 5 minutes in any one-hour period; or
 - 3) 15 dBA for a total of 1.5 minutes in any one-hour period.

Section 5.33.04. Signage.

1. 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.

Section 5.33.05. Structural Requirements.

1. The facility shall meet all requirements of the most current edition of the International Building Code (IBC). 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.
2. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.

Section 5.33.06. Access.

1. All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the McPherson County Emergency Management Director.

Section 5.33.07. Submittal Requirements.

1. A narrative describing the proposed data processing facility including an overview of the project;
2. A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any church, school, or residence within one mile (5,280 feet) of the perimeter of the facility;
3. 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, additional separation from surrounding uses, etc.;
4. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by McPherson County to ensure compliance with this Article; and
5. Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner)

Dated this ____ day of _____, 2025.

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Chairman of the McPherson Co. Board of County Commissioners

ATTEST:

Lindley Howard
McPherson County Auditor

FIRST READING:

SECOND READING:

ADOPTED:

PUBLICATION DATE:

EFFECTIVE DATE: