INDUSTRIAL DISTRICT

INDUSTRIAL DISTRICT 1
A. Intent 1
B. Permitted Uses 1
C. Conditional Uses 2
D. Development Standards 3
E. Lot Area, Width, and Yard Requirements Table 4
F. Nuisance Provisions 4

A. Intent.

The purpose of the Industrial District is to provide for the development of the mineral, fossil fuels, and agricultural resources of Mercer County; to provide for the refining and processing of unfinished and partially finished resources and products; and to isolate industrial activities in locations where conflicts with other uses will be minimized.

B. Permitted Uses

1. Agriculture
2. Coal Mining and Related Facilities; includes coal mining, coal extraction, coal processing, coal preparation, coal washing, coal storage, coal loading and unloading, and accessory facilities customarily associated with coal-related operations.
3. Manufacturing and Processing
    a. Manufacturing of mineral resources and ore processing
    b. Manufacturing of agricultural resources
    c. Meat and dairy processing facilities
    d. Cement, asphalt, and ready-mix facilities
4. Storage and Distribution
    a. Anhydrous storage facilities up to 15,000 gallons
    b. Truck and freight terminals
    c. Warehouses
5. Industrial Operations
    a. Industrial laundry
    b. Industrial dry cleaning

c. Industrial-related service business and industries

6. Other Industrial
    a. Repair and storage of heavy equipment and machinery
    b. Garbage haulers
7. Infrastructure and Utilities
    a. Transmission lines
    b. Electrical substations
    c. Pipelines
8. Transportation Infrastructure
    a. Railroad tracks and spurs
    b. Rail switching and classification yards
    c. Rail yards and terminals
    d. Airports and landing fields
9. Water and Wastewater Systems
    a. Wastewater plants/treatment facilities
    b. Water depots
10. All uses permitted in commercial district except residential

C. Conditional Uses

1. Manufacturing and Processing
    a. Petrochemical refineries and plants
    b. Chemical processing facilities
2. Electrical power generating plants
3. Coal gasification and liquefaction plants
4. Storage and Distribution
    a. Liquid fuel and bulk storage facilities greater than 15,000 gallons
    b. Anhydrous storage facilities greater than 15,000 gallons
    c. Battery Energy Storage Systems (BESS)
5. Industrial Operations
    a. Data centers
    b. Wind Energy
    c. Solar Energy

6. Other Industrial
    a. Salvage and junk yards
    b. Noxious waste disposal sites
    c. Solid waste landfills
    d. Recycling facilities
    e. Any other processing or storage facilities not mentioned above engaged in the processing or storage of potentially hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials
7. Communications Infrastructure
    a. Communication towers
    b. Transmitting towers

D. Development Standards

Table of Standards for Permitted and Conditional Industrial Uses. Standard details are provided in Chapter 4, Industrial Use Standards.

Standard	Permitted Uses	Conditional Uses
A. Residential Buffer	Required	Required
B. Firefighting Access	Required	Required
C. Notification Radius	Not required	Required
D. Environmental Review	Not required	Required
E. Emergency Management	Not required	Required
F. Construction and Maintenance	Not required	Required
G. Noise Mitigation	Not required	Required if specified in the specific use standard. May also be required based on Planning and Zoning Commission review.
H. Traffic Impact Study	Required when: Daily trips exceed 500 or peak hour trips exceed 100	

	*Other conditions may exist that may trigger need for study, see Chapter 4, Industrial Use Standards.	
I. Ownership	Not required	Required
J. Dust Control	Required	Required
K. Socio-economic Impact	Not required	Required
L. Setback Waiver	Refer to Chapter 4.	
M. Site Preparation	Refer to Chapter 4.	

E. Lot Area, Width, and Yard Requirements Table

	Minimum Lot Area	**Minimum Lot Width**	**Front Yard Setback**	**Side Yard Setback**
Industrial District	40,000 SF	200 FT	100 FT (from road centerline)	25 FT

F. Nuisance Provisions

1. Agricultural Protection. Permitted and conditional uses in the Industrial District shall not be construed to limit or restrict agricultural operations as defined by North Dakota Century Code on lands outside of the Industrial District boundaries.
    a. An industrial operation shall not be deemed a public or private nuisance if all the following conditions are met:
        i. The operation was lawfully permitted and established in compliance with all applicable zoning, licensing, and regulatory requirements at the time it began operations; and
        ii. The operation is conducted in accordance with generally accepted industry practices; and
        iii. The operation complies with all applicable local, state, and federal laws, permits, and environmental regulations.
    b. Change in Surrounding Land Use. An industrial operation shall not become a nuisance due to a change in ownership, occupancy, or use of surrounding property after the industrial operation was lawfully established.
    c. Scope of Protection. This section does not apply to:
        i. Negligent or improper operations;

ii. Violations of environmental laws, permits, or regulations;

iii. Conditions that present a direct threat to public health or safety.

d. No Limitation on Enforcement. Nothing in this section shall limit the County's authority to enforce zoning, environmental, or public health regulations.