

**ORDINANCE NO.**

**CITY OF MONTICELLO  
WRIGHT COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 153 OF THE MONTICELLO CITY CODE, KNOWN  
AS THE ZONING ORDINANCE, ESTABLISHING A DATA CENTER PLANNED UNIT DEVELOPMENT**

***THE CITY COUNCIL OF THE CITY OF MONTICELLO HEREBY ORDAINS:***

**Section 1.** Section §153.012, Definitions, is hereby amended to add or amend the following:

***Data center, accessory.*** A use which is incidental and subordinate in both area and extent to a principal use of property and which serves the principal use for the purpose of storage, management, processing, and transmission of digital data, which houses computer or network equipment. Such accessory use shall not include any mechanical equipment not fully shielded by building walls and shall not include any external power generation equipment.

***Data center.*** A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include digital data computing facilities which are not the principal use of a property in extent or area but which perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

***Data center campus.*** A Data Center that occupies more than one building, but is otherwise interconnected by power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, “Technology Campus”, “Cloud Computing Center”, “Information Technology Campus”, and similar phrases and terms. May include data management or storage buildings, offices, and ancillary support buildings and structures including secure and controlled entrances, and perimeter fencing.

***Data center floor area ratio (DCFAR).*** The floor area ratio for a data center facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal and accessory data center building(s) by the total gross land area of the proposed Data Center Planned Unit Development, less the square footage

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of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area for required setbacks and perimeter buffer yards established per this ordinance. Accessory uses or structures which are not buildings such as electrical substations, parking areas, etc. shall not be considered eligible floor area. All measurements shall be to the nearest 1/10<sup>th</sup> of an acre.

**Data mining.** A temporary or portable structure used primarily for the storage, management, processing, and transmission of digital data, specifically including but not limited to cryptocurrency, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations. Such facilities are less than 20,000 square feet individually or when assembled in multiple temporary or portable structures and are not constructed of customary industrial building materials such as concrete panels, masonry block, brick or other similar materials. These facilities include no permanent employment on-site.

### **Section 2.**

Section §153.045, Industrial Base Zoning Districts, is hereby amended to add the following:

#### **(F) *Data Center Planned Unit Development (DCPUD) Zoning District***

(1) *Purpose.* The City Council finds that data center uses are highly variable in size, scope, impact, and potential issues, and all such variables may have differential impacts on existing and future land uses, or on the City's land use plans and regulations. The purpose of the Data Center Planned Unit Development (DCPUD) Zoning District is to provide for, and regulate, Data Center development in appropriate locations, specifically within areas that are otherwise designated for Light Industrial Park land uses in the Monticello Comprehensive Plan (2040 Vision + Plan), as it may be amended. It is the intent of this ordinance that all costs of development and infrastructure attributable to data center development, if approved, shall be borne by the data center developers, owners, and/or operators, and that approvals, if granted, shall provide for financial guarantees in this regard as a condition of any such approvals. There shall be no inherent right to rezoning to DCPUD, nor to any of the approvals necessary to develop a data center in the City.

(2) *Approval Criteria.* No land shall be zoned as DCPUD unless the planned unit development is found consistent with all of the following factors, or if inconsistent, where the City Council specifically finds that the design of the facility has mitigated any inconsistent factor.

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- (a) Land is guided as Light Industrial Park in the City's applicable Comprehensive Plan.
- (b) Land is zoned I-1 (Light Industrial District) in the City's applicable zoning ordinance if currently annexed to the City of Monticello.
- (c) The DCPUD will be served by City sanitary sewer and water supplies for specified data center demands and is able to demonstrate to the satisfaction of the City that the DCPUD will not create shortages in the capacity of the City's sanitary sewer and water supplies or create an inability to provide adequate utility service in other existing or planned areas of the City, including the Monticello Orderly Annexation Area.
- (d) The DCPUD will provide financial guarantees for the installation of all municipal utilities, transportation, and any other public services or infrastructure deemed necessary by the City to support the DCPUD, and for any infrastructure improvements or mitigation for the expected public infrastructure impact or capacity increase created or required by the DCPUD, and will identify a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- (e) The DCPUD will provide the necessary financial guarantees to extend necessary municipal utilities to the DCPUD site, and if developed in phases will avoid the stranding or incomplete extension of municipal infrastructure resources to the furthest extent of the DCPUD or other extension point as determined by the City. Except where expressly approved by the City Council, all public rights of way or easements shall be dedicated and/or extended to limits of the property zoned DCPUD to facilitate extension to adjoining property as a part of first-phase of development.
- (f) The DCPUD will be adequately served with electricity supplies for the specified data center demands from the local electric power supplier as required by phase if applicable and demonstrates power supply capacity to existing property owners in the City and planned areas of the City, including the Monticello Orderly Annexation Area.
- (g) The DCPUD will provide adequate vehicular and non-vehicular transportation facilities, such as roadways, pathways, sidewalks or similar, to serve the project and will adequately extend such facilities to serve adjoining future development areas.
- (h) The DCPUD will not displace other land uses the City deems important for the stable, long-term growth of the community, including other industrial

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lands or other lands critical to the achievement of the City's long-range development goals, and the City determines that absorption of land area for data center development is appropriate based on the City's industrial and other long-range land use development goals as described in the Monticello 2040 Plan and other adopted City planning documents.

- (i) The DCPUD will provide identified public benefits, including the creation and maintenance of tax base, and will avoid negative impacts such as those identified in this section, over the long term.
  - (j) The DCPUD identifies and demonstrates adequate compliance with the provisions of this section and State law for exterior impacts perceptible from the boundaries of the facility, including but not limited to those for noise and lighting impacts.
  - (k) The DCPUD will demonstrate compliance with all other applicable sections of this chapter.
  - (l) All applicable State Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction.
  - (m) The DCPUD will not conflict with other elements of the City's Comprehensive Plan.
- (3) *Permitted uses.* Uses allowed in the DCPUD are as follows, subject to the procedural and performance standards of this District, and all generally applicable standards of the Monticello Zoning Ordinance:
- (a) Data Center.
  - (b) Data Center Campus.
  - (c) Accessory buildings and uses as expressly provided for by this section.
- (4) *Accessory uses.* The following accessory uses are allowed in the DCPUD:
- (a) Offices.
  - (b) Appurtenances, or support facilities such as outdoor generators, mechanical or electrical equipment including electrical substations and transmission structures, or similar elements.
  - (c) Off-Street Parking, subject to the requirements of the Monticello Zoning Ordinance Section §153.067 per Parking Schedule #2.
  - (d) Signs, Fencing, Off-Street Loading, and Grading, Drainage Erosion Control and Stormwater Management and Erosion Control subject to the

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provisions of this chapter, except as otherwise prohibited or regulated by this section.

- (e) Roof-mounted solar-energy systems or green-roof installations.
  - (f) EV charging stations.
  - (g) Wireless telecommunication service antenna and support structure(s) necessary to the function of the DCPUD, subject to the requirements of this section for setback and height.
  - (h) Any other use that is subordinate to and serving the principal use and customarily incidental to the principal use. Such use must be depicted in DCPUD Development and Final Stage Permit plans and be specifically authorized by the adopted DCPUD ordinance.
- (5) *Prohibited uses.* The following uses are specifically prohibited in the DCPUD:
- (a) The use of cargo containers, railroad cars, semi-trailer containers, and other similar storage containers, or any building that does not meet the building standards of this section, except that temporary membrane building structures may be authorized under the requirements of this section.
  - (b) Commercial wind energy systems.
  - (c) Commercial telecommunication towers as defined by this chapter.
  - (d) Ground-mounted solar energy systems.
  - (e) Outdoor storage as defined by this chapter.
  - (f) Data mining as defined by this ordinance.
- (6) *Temporary uses.* Temporary uses allowed in the DCPUD are as follows, and are subject to the requirements of this section:
- (a) Temporary construction staging areas directly related to the applicable phase of development.
  - (b) Temporary structures intended solely for the storage of construction materials directly related to the applicable development phase, or to the replacement of materials and equipment for the DCPUD.
- (7) *Environmental Review.* If an EAW, EIS or AUAR is applicable for the proposed DCPUD project under State or law, such review must be completed prior to application. Such review may commence after a concept submission as outlined by this section. Individual components of a DCPUD development which

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may require separate environmental review may be completed after application. Such review is subject to the applicable provisions of this chapter.

(8) *District performance standards.* Any application for amendment to the zoning map to rezone land to DCPUD under this Section shall be considered incomplete if it does not address each of the performance standards in such a way as to provide the City with sufficient information to properly evaluate each element in this Section. Any deviation from these standards requires approval of a variance, which shall be reviewed in accordance with §153.028.

- (a) Any application for DCPUD shall be accompanied by a proposed Preliminary Plat subject to the application and procedural requirements of Chapter §152: Subdivisions, except in such case as the DCPUD site is a single previously platted lot, and the DCPUD shall only be developed on land subject to said Plat.
- (b) The minimum data center floor area ratio (DCFAR) for the DCPUD and any individual phase of the DCPUD shall be .25. At no time shall any individual developed phase of the DCPUD be constructed at an FAR of less than .25, exclusive of the extent of approved site grading limits.
- (c) The minimum setback for all principal, accessory, and appurtenant structures shall be as follows.

Table X-X					
Structure or Use	Setback from DCPUD Property Line to Structure or Use within DCPUD (Setbacks are also applicable for parcels adjacent to the DCPUD boundary but for intervening street easement or ROW)				
	Parcels used for principal agricultural uses only	Parcels used, guided or zoned for residential, civic/institutional or mixed-uses	Public parkland, or public recreational property	Parcels guided or zoned commercial	Parcels guided or zoned industrial
Principal building structure(s) when any	100'	200'	200'	100'	100'

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<p>mechanical equipment (including generators) is:</p> <ul style="list-style-type: none"> <li>• fully screened by principal building(s), or</li> <li>• surrounded by a solid wall structure from all points of the DCPUD boundary, or</li> <li>• located within a principal building(s), or</li> <li>• ground mounted on or along an interior façade of the site’s principal structure(s)</li> </ul>					
<p>Principal building structure(s) when any mechanical equipment (including generators) is oriented to any exterior portion of the structure(s) and/or non-ground mounted</p>	200’	500’	500’	200’	100’
<p>Off-Street Parking (including drive aisles)</p>	100’	150’	150’	50’	50’
<p>Off-Street Loading Facilities</p>	100’	150’	150’	100’	100’
<p>Fences or Walls</p>	<p align="center">May be placed at any location between the property line and principal structure(s), except such fences or walls may not be located within a drainage and utility easement or designated wetland buffer area, and perimeter buffer landscaping materials must be planted on the exterior of the fence or wall.</p>				

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Other Accessory or Appurtenant Structures (exceptions: lighting)	100'	300'	300'	100'	100'
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- (d) The maximum height for principal and accessory structures shall be 50'.
  - i. Appurtenant structures may exceed the height of the principal or accessory structure by a maximum of 15'. Private telecommunication antenna within the DCPUD may exceed this height up to a maximum of 100' as specifically identified and approved in the Final Stage PUD. Electrical substation equipment within the DCPUD are exempt from this height requirement.
  
- (e) Principal building exterior finishes shall consist of materials compatible in grade and quality to the following:
  - i. Decorative rock face block.
  - ii. Glass.
  - iii. Cast in place concrete or pre-cast concrete panels.
  - iv. Brick.
  
- (f) Accessory building exterior finishes shall consist of materials compatible in grade and quality to the following:
  - i. Decorative rock face block.
  - ii. Glass.
  - iii. Cast in place concrete or pre-cast concrete panels.
  - iv. Brick.
  - v. Exterior insulated finish systems.
  
- (g) Temporary uses within the DCPUD shall be subject to the following standards:
  - i. Any temporary use(s) must be depicted in the Development and Final Stage Permit DCPUD Site Plans, including location and area of size, and authorized in the adopted DCPUD ordinance.
  - ii. A specified commencement and termination date for the temporary use(s) shall be specifically authorized by the adopted DCPUD ordinance.
  - iii. Setbacks shall be established by the adopted DCPUD ordinance.
  - iv. All temporary construction staging areas must be fully paved.

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- v. Temporary buildings or structures must be fully screened in accordance with the standards of this section.
  - vi. The maximum height of temporary structures shall be 30’.
  - vii. Temporary construction lighting shall be subject to operational hours of 8 AM – 7 PM and shall be subject to the lighting standards of this chapter.
- (h) The DCPUD shall be designed and built to incorporate sound mitigation methods to reduce sound levels emanating from the DCPUD. Sound emanating from the facility, or from any appurtenant or accessory use or element of the facility shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules.
- i. Prior to approval, a Preliminary Noise Study shall be submitted by a third-party engineer providing ambient noise level information at the DCPUD property boundary and demonstrating to the City that the operation of the DCPUD facilities will comply with MPCA noise rules.
  - ii. Upon commencement of operation of the DCPUD principal use facilities, the operator must conduct an additional noise study, as measured at the property line of the nearest residential property to the DCPUD or other noise sensitive use as reasonably determined by the City, demonstrating to the City that the operation of the data center complies with MPCA noise rules.
  - iii. Upon commencement of the operation of the DCPUD, the operator of a DCPUD must provide a liaison between the hours of 8:00 am and 10:00 pm CST each day to respond to complaints about noise emanating from the DCPUD.
  - iv. The City may order that the DCPUD operator complete an additional sound study once per year during peak operation of the DCPUD mechanical equipment. The DCPUD operator must provide the results of the noise study, conducted by a third-party engineer, to the City within 30 days of the request by the City or show proof that they have contracted with a third-party engineer and the results will be available in a reasonable amount of time.
  - v. Pursuant to City Code 130.09(D0), the City may require a Noise Impact Statement for low-frequency sound emissions and demonstrate mitigation plans consistent with the recommendations of the Statement.

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- (i) Back-up power generators within the DCPUD may only be used for back-up electrical supply during a power outage or when requested by the electric utility provider for uses within the DCPUD.
  - i. Testing of generators may only occur between the hours of 8 AM and 5 PM, Monday through Friday. A testing schedule must be filed annually with the City no later than January 15 of each year.
- (j) All lighting fixtures and illumination levels must meet the requirements of §153.063. Lighting, except that illumination must be 0.0 footcandles at the property line abutting properties used, zoned or guided for residential, civic or institutional, recreational, or parkland uses. No external light source shall be located closer than 50' from any property line of a parcel used, zoned or guided for residential, parkland or recreational uses.
- (k) Any outdoor facilities or equipment such as back-up generators, parking and private circulation areas, temporary construction staging areas and temporary structures, other mechanical equipment regardless of location, security or chain link fencing when located within 200' of the DCPUD property line, or any other similar outdoor facilities shall be fully screened to 100% opacity when viewed at comparable grade from abutting property used, zoned, or guided for residential or recreational uses, and from the public right of way, with the exception of designated entrance points. Screening is subject to the following additional requirements and exceptions:
  - i. Landscaping materials used for screening may be counted toward the minimum site landscaping requirements of this chapter.
  - ii. Landscaping utilized for screening must be designed by a qualified landscape architect to meet the opacity requirements within 3 years of planting.
  - iii. Screening may be accomplished through individual or combination use of fencing or walls meeting the materials requirements of this section, landscaping, and/or berming.
  - iv. Landscaping materials and berming used for screening may be located within the required structure setback; fences and walls are subject to the structure setback above.

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- v. In all cases, fences or walls used for screening purposes must install the required perimeter buffer landscaping materials on the exterior side of the wall.
- vi. Chain link fence with slats shall not be used for screening purposes.
- (l) All trash enclosures and storage must be located within a structure and identified on DCPUD plans.
- (m) Rooftop and wall-mounted mechanical equipment shall be fully screened when viewed at comparable grade from adjoining properties, and from the public right of way via screening walls or parapets which match the building materials of the building on which they are located.
- (n) Site landscaping shall meet the required minimum site landscaping standards of this chapter, with the additional requirements or exceptions follows:
  - i. The DCPUD shall provide for established sodding or seeding in all ground cover areas not otherwise used for tree or shrub plantings except as exempted for approved native plantings.
  - ii. The DCPUD shall provide irrigation systems for all landscaped areas except as exempted for approved native plantings.
  - iii. The DCPUD shall not be required to install island delineation landscaping as required by this Chapter.
- (o) A perimeter buffer shall be installed around the entire perimeter of the DCPUD and maintained for the duration of DCPUD facility operation per the requirements of this Section 153.060 of this chapter, subject to the following additional requirements or exceptions:
  - i. Installation of such buffer shall be required regardless of any intervening or abutting roadway or public right of way.
  - ii. Such buffer must include a berm of a minimum height of 10' above the adjacent roadway centerline elevation or property line elevation directly adjacent (whichever is higher), with a 50% minimum evergreen species requirement, to be spaced throughout the buffer and located on the exterior down-slope of the berm.
  - iii. The required perimeter buffer for the full DCPUD area shall be installed and completed with the first phase of development.

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- iv. The perimeter buffer landscaping material may be located within the applicable structure setback and shall be located at the exterior side of any screening or perimeter buffer wall.
- v. The perimeter buffer shall not be required where the DCPUD property boundary directly abuts a property used for industrial uses but shall be required when adjacent to or abutting all other property uses, including public right of way or public street easement.
- vi. The use of native species is encouraged.
- (p) Fencing or walls shall be constructed of maintenance-free vinyl fencing or brick, stone, masonry or decorative stamped and colored concrete which mimic brick, stone or masonry.
- (q) Chain link fencing may be used for security purposes and shall be black or black coated vinyl and shall not include slats. Linear barbed wire is permitted on the top of such fenceline. In such case, screening to 100% opacity must be placed between the security fence and property line.
- (r) The facility shall provide parking for employees or service personnel at a rate per §153.067, Parking Schedule #2.
- (s) Electrical substations directly serving the DCPUD shall be exempt from the District performance standard requirements of this section, but shall be subject to the following requirements:
  - i. Must be located within the DCPUD boundary.
  - ii. Must comply with the accessory setbacks as established herein.
  - iii. Must comply with the lighting standards established herein.
  - iv. Must comply with the perimeter buffer requirements of this section.
  - v. Electrical transmission lines extended to the substation are not subject to §153.065 Underground Utilities.
- (t) In addition to the standards of this section, all other provisions of the City's ordinance, including zoning and subdivision regulations, shall apply to the facility, unless otherwise exempted. With regard to specific zoning district standards, the requirements of the DCPUD zoning district shall apply. Except for regulations of applicable zoning overlay districts, where the terms of this section vary from the zoning and subdivision regulations, the requirements of this section shall apply.

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(9) *DCPUD Initiation of Proceedings.* Requests for DCPUD concept stage, development stage permit, rezoning to DCPUD, and DCPUD final stage permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § [153.027\(B\)](#), Authority to File Applications.

(10) *DCPUD Application.*

- (a) Submission of a DCPUD Concept Stage Submittal shall be in accordance with this Section and are not subject to the Specific Review Procedures and Requirements of this Chapter for Planned Unit Development.
- (b) Applications for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall be in accordance with this section and are not subject to the Specific Review Procedures and Requirements of this chapter for Planned Unit Development. The application for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall not run concurrently.
- (c) Applications for Preliminary and Final Plat as required by this section shall be submitted in accordance with § 152: Subdivisions.
- (d) All required applications are subject to the adopted fee and escrows established by City ordinance.
- (e) Rezoning to DCPUD does not revoke, rescind or otherwise render as not applicable the requirements of this ordinance for any applicable overlay district effective at the time of annexation and as required by State law.
- (f) All other requirements or provisions not specifically provided for by this section or otherwise exempted shall be as per City Code.

(11) *DCPUD Concept Stage Submittal.* Prior to submitting applications for development stage PUD, preliminary plat, and rezoning for the proposed DCPUD, the applicant is encouraged, at its option, to prepare an informal concept and present it to the Planning Commission and City Council at a concurrent workshop, as scheduled by the Community Development Department. The purpose of the concept stage submittal is to:

- (a) Provide preliminary feedback on the concept in collaboration between the applicant, City staff, Planning Commission, and City Council.
- (b) Provide a forum for public engagement and information on the DCPUD prior to a requirement for extensive engineering and other plans.
- (c) Provide a forum to identify potential issues and benefits of the proposal which can be addressed at succeeding stages of PUD design and review.

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(12) *DCPUD Concept Stage Submittal Requirements.* Proposals for a DCPUD Concept Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) A listing of contact information including name(s), address(es), email(s) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
- (b) A listing of the following site data: Address, current land use guidance, current zoning, parcel size in gross acres and square feet, and current legal description(s).
- (c) A narrative explaining the applicant's proposed objectives for the DCPUD, and public values that the concept submitter believes may be achieved by the project.
- (d) A narrative description of proposed DCPUD use, including anticipated or known accessory or appurtenant uses.
- (e) A narrative description of the public infrastructure requirements of the DCPUD as known, including the timing for the extension of municipal utilities to the DCPUD and to adjacent properties, if applicable.
- (f) Conceptual information on proposed power transmission routing within the city and to the boundary of the DCPUD, if known.
- (g) Calculation of the proposed DCPUD FAR.
- (h) Outline a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).
- (i) For sites over 20 acres, a stakeholder engagement plan detailing how the DCPUD operator will engage and communicate with residents, property owners, local utilities and the City throughout the DCPUD application and development process.
- (j) A concept PUD proposal illustrating:
  - i. Proposed DCPUD boundary.
  - ii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.).

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- iii. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel.
- iv. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel.
- v. Proposed sidewalks and trails.
- vi. Proposed location of any electrical substation(s).
- vii. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel.
- viii. Location of utility systems and connection points that will serve the property including the proposing routing to demonstrate service to the furthest extent or boundary of the DCPUD.
- ix. Location of access points to public right of way.

(13) *DCPUD Concept Stage Submission Review.* Upon receiving a PUD concept plan proposal, the Community Development Department shall:

- (a) Schedule a joint workshop of the Planning Commission and City Council and shall provide notice of the meeting to all property owners within 350 feet of the property boundary of the proposal. During the joint workshop, the Planning Commission and City Council may make comment on the merit, needed changes, and suggested conditions which may assist the proposer in future application for proposed rezoning and PUD development plan.
- (b) The Planning Commission and City Council will also take comment from the public as part of the joint workshop. The comment is explicitly not a public hearing on the concept and the public comments are intended to represent preliminary feedback related to the DCPUD concept information.
- (c) The Council and Planning Commission shall make no formal decision as part of the consideration. The City Council and Planning Commission's comments are explicitly not an approval or decision on the project and are intended to represent preliminary feedback on the DCPUD concept information and its relationship to the comprehensive plan and this DCPUD ordinance.

(14) *Neighborhood Meeting.* The DCPUD concept proposer is encouraged to host a neighborhood meeting prior to submission of a formal application for Development Stage Permit.

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(15) *DCPUD Development Stage Permit, Preliminary Plat and Rezoning Application Submittal Requirements.* Proposals for a DCPUD Development Stage Permit and Rezoning to DCPUD shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer). All costs of application and preparation of submission materials, including required studies, are borne by the applicant.

(a) Project narrative, including:

- i. Existing zoning district(s) and comprehensive plan land use designation of subject DCPUD property area and all adjacent lands within 350' of the subject DCPUD property boundary.
- ii. Statement explaining the applicant's proposed objectives for the DCPUD, and public values that will be achieved by the project by phase (if applicable) including general projections for tax base, building valuation, sustainability in operations and site design, employment creation or other community benefit.
- iii. Statement of how the project will meet each of the Approval Criteria and District Performance Standards as required by this section
- iv. A narrative description of proposed DCPUD uses and operations, including anticipated or known accessory or appurtenant uses, such description shall include any information on transmission line corridors or routes within the city.
- v. For sites over 20 acres, a stakeholder engagement plan detailing how the DCPUD operator will engage and communicate with residents, property owners, local utilities, and the City throughout the DCPUD application and development process.
- vi. If the DCPUD is to be developed in phases, a proposed phasing of full DCPUD site development, including number of phases, development timeline for each phase and for the full DCPUD.
- vii. Calculation table detailing the gross area calculation of the full DCUD, the area calculation of each allowable exception to the DCFAR, and resulting FAR for each phase of the DCPUD and full DCPUD.
- viii. Maximum building height for any proposed principal structure on site and maximum height of any additional appurtenant, temporary, or accessory structure on site.

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- ix. Description of proposed building materials for all principal, temporary and accessory buildings meeting the requirements of this ordinance.
  - i. Estimated square footage calculation of full usable/buildable area within the DCPUD.
  - ii. Maximum building coverage within the DCPUD site improvement boundary.
  - iii. Estimated building square footage within the DCPUD site improvement boundary by phase.
  - iv. Information on any hazardous materials or operational processes which require specific or additional emergency management response or consideration. This shall include a statement providing for electronic hazardous waste disposal by a licensed operator.
- (b) Total maximum impervious surface coverage within the DCPUD.
- (c) Proof of title in a form approved by the City Attorney.
- (d) Legal description of the property for which the DCPUD is requested.
- (e) All information required for Preliminary Plat as provided in § 152.040, including dedication.
- (f) Certificate of survey for the full DCPUD property boundary signed by a registered land surveyor and current within three months of plat application to include legal description, all public utilities including pipe size, material type, depths, location, and detail of private utilities and easements, rights of way, and any other easements of record.
- (g) DCPUD site improvement plan(s), including:
- i. Citation of the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and true north arrow.
  - ii. Minimum setbacks as required by this section.
  - iii. Layout of proposed lots with future lot and block numbers.
  - iv. Area calculations for each lot within the DCPUD property boundary.
  - v. Outlots planned for public dedication and/or open space.

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- vi. Easements and rights-of-way within or adjacent to the subject DCPUD property boundary, including detail on ingress and egress from the subject site to abutting or adjacent public right of way.
  - vii. Location of all electrical substations and transmission equipment proposed to be located within the DCPUD, including area in acreage and applicable setback for substation and general height information.
  - viii. Location, width, and names of existing and proposed streets and rights of way within and immediately adjacent to the subject DCPUD property boundary and all connection points to public right of way.
  - ix. Proposed sidewalks and trail connection points to public rights of way and any planned public sidewalk and pathways.
  - x. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public parks.
- (h) If the DCPUD is to be developed in phases, a graphic depiction of site development phasing plan by acreage over the full DCPUD property, including proposed public utility easement corridors and/or rights of way.
  - (i) Delineation and functional assessment of wetlands and/or watercourses over the DCPUD property and within 200 feet of the perimeter of the subdivision parcel dated within the last five years.
  - (j) Delineation of the ordinary high-water levels of all water bodies.
  - (k) Conceptual grading, drainage and erosion control plan prepared by a registered professional engineer providing for stormwater management planning based on the maximum impervious surface area of the site. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question.
  - (l) If an environmental review was required for the DCPUD development proposal, the final approved mitigation plan shall be provided with a detailed narrative on how the proposed DCPUD Development Stage submissions address components of the mitigation plan and timeline for implementation or completion of each mitigation plan requirement, including detail on the financial participation of the applicant.
  - (m) Preliminary Noise Study meeting the District performance standards requirements of this section.

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- (n) Traffic study which shall include adjacent local roadways where access is provided and nearest collector roadways, as well as the collector roadways intersections with the nearest arterial roadway, which shall be required for all sites over 20 acres and at the discretion of the City Engineer for sites under 20 acres, evaluating:
- i. Average Daily Traffic and Peak Hour traffic volumes for passenger vehicles during normal operations.
  - ii. Average Daily Traffic and Peak Hour traffic volumes and routes for construction traffic during each phase of site development.
  - iii. Project volume, routes and frequency for commercial vehicles supporting routine operations.
  - iv. Proposed location of right of way and pathway connections, including sidewalks and trails, through or along the site perimeter to ensure system connectivity to the furthest extent of the DCPUD boundary.
  - v. Any insufficient street or intersection design pursuant to project construction, projected by phase.
  - vi. Proposed improvements to mitigate insufficient design, including an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above, by phase. Necessary roadway and pedestrian improvements shall be designed in accordance with City standards.
  - vii. Sufficient information regarding the applicant's financial capacity to support the required improvements and system upgrades.
- (o) A study that identifies both City and private utility supply and demand on the relevant system. Such study shall evaluate and quantify demand by proposed phase and timeline for construction and include water, wastewater, and stormwater system information, and shall demonstrate to the satisfaction of the City that the proposed facility can both (1) be adequately served by the existing or planned capacity of the utility, and (2) will not impede access or limit service capacity to those utilities by other future users in the City's planning and service territory; (3) is designed to provide adequate service to the furthest extent of the DCPUD, and (4) that the applicant has provided sufficient information regarding the financial capacity and ability to secure performance to support the required improvements or system upgrades. Such study shall include:

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- i. Provide a specific utility phasing plan which demonstrates alignment with the proposed development phasing and timing.
  - ii. Provide preliminary plans for extension of all public facilities, including utilities, roadways, pedestrian facilities, and other such public infrastructure to the furthest extent of the DCPUD boundary with phasing plan as determined by the City Engineer and approved by City Council.
  - iii. Include an analysis of impacts to surrounding private utility systems and required mitigation.
  - iv. Identify deficiencies in the public system pursuant to the project and provide a mitigation plan for identified deficiencies.
  - v. Updates or additional system plans or studies for public utilities reflecting the impact of increased demands and infrastructure required by the DCPUD; to be prepared to the specification of the City Engineer.
  - vi. Include an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase, and to ensure that the infrastructure required by this section is adequately accounted for.
  - vii. Sufficient information regarding the applicant's financial capacity to support the required system studies, public improvements and system upgrades.
  - viii. For capacity and demand greater than that anticipated for light industrial uses, a companion review study to verify above shall be provided.
  - ix. The applicant may request that the City complete such utility studies, at the applicant's cost.
- (p) Landscaping and perimeter buffer plan illustrating:
- i. Location and proposed elements (walls, berming, landscaping) for site screening as required by this section.
  - ii. Location and proposed elements (walls, landscaping) for perimeter buffer as required by this chapter.
- (q) Listing of all required federal and state permitting and current status of permitting.

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- (r) A fiscal summary statement for purposes of preparing the Site Improvement Plan Agreement, including:
    - i. An analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase.
    - ii. Statement identifying the applicant's proposed contribution to provide such public infrastructure and service demand.
  - (s) For sites over 20 acres and for any DCPUD site to be developed in phases, a construction impact plan including designated construction traffic routes, hours of operations, and mitigation plans for lighting, noise, vibration and dust.
  - (t) DCPUD sites shall be responsible for completion of the electric utility provider's required studies and shall provide a statement indicating completion of the required study and summarize power capacity for the DCPUD, the proposed routing plan, and required electrical infrastructure improvements.
  - (u) General statement of telecommunication system improvements so as to avoid any local service interruption during normal operations.
  - (v) If applicable, proposed location, area and duration of any accessory or temporary uses within the DCPUD.
  - (w) Any other information as directed by the Community Development Department required to evaluate the specific DCPUD proposal.
- (16) *DCPUD Development Stage Permit, Preliminary Plat and DCPUD Rezoning Review.*
- (a) The application for rezoning to DCPUD shall be reviewed in accordance with § [153.028](#)(B), Zoning Ordinance Text and Zoning Map Amendments.
  - (b) The application for Preliminary Plat shall be reviewed in accordance with City Code 152.026, Preliminary Plat Procedure.
  - (c) The hearing for rezoning and Preliminary Plat may run concurrently with the hearing for the DCPUD Development Stage permit.
  - (d) As part of the review process for the DCPUD applications, the Community Development Department shall generate an analysis of the proposal against the Approval Criteria of this section to formulate a recommendation regarding the rezoning to the Planning Commission and City Council.

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- (e) As part of the review process for the DCPUD Development Stage Permit, a draft Site Improvement Plan Agreement (SIPA) following the requirements of this section shall be prepared by the City following a complete application submittal. Such draft agreement shall be provided for City Council comment, but shall not be part of the Development Stage Permit approval consideration. The SIPA shall include a requirement that until the time of approval of a final stage permit and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication, the rezoning ordinance for DCPUD will not be effective and no development may occur within the DCPUD.
- (f) The Planning Commission shall hold a public hearing on the DCPUD applications and consider the applications' consistency with the intent and purpose of the DCPUD and comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed rezoning, Preliminary Plat and DCPUD Development Stage plan. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review, and the City Council will hold any required public hearing.
- (g) Development Stage DCPUD approval shall occur by adoption of a rezoning ordinance for the subject property specifying the uses, standards, and other requirements of said DCPUD zoning district. Such ordinance shall include an effective date clause which delays the effective date of the ordinance until the time of approval of a final stage permit, approval of the Site Improvement Plan Agreement, and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No permits for development within the PUD may be issued until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, will not be published, and the subject property shall retain its previous zoning designation.
- (h) The City Council may hold a public hearing on the request for DCPUD on the request for DCPUD Development Stage Permit, preliminary plat, and DC PUD rezoning if they deem such necessary.

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- (i) After consideration of the Planning Commission recommendation and/or hearing, the City Council may approve the Development Stage DCPUD permit or any part thereof in such form as it deems advisable. The City Council's decision will include the required conditions of the proposed rezoning, preliminary plat and DCPUD development stage permit. Approval of the amendment to rezone to DCPUD, Development Stage DCPUD permit, and preliminary plat shall require the approval of the majority of all the members of the City Council, except where state law may specifically require a super majority.
- (j) After consideration of the Planning Commission recommendation and/or hearing, the City Council may, in its sole discretion, deny the Development Stage DCPUD permit, DCPUD rezoning, the Preliminary and/or Final Plat, or any part thereof. Such denial shall be based on findings of fact that specify the conditions where the application fails to meet the required terms of the DCPUD zoning process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD rezoning, plat, or permit, and no DCPUD applicant shall have any expectation or right of approval of any such rezoning, plat, or permit.

(17) *Final Stage Permit Application and Final Plat Submittal Requirements.* An application for final stage permit and final plat that conforms with the approved development stage permit and preliminary plat and associated PUD rezoning ordinance shall be submitted no later than 60 days following the date of the development stage permit approval for review. One extension to this timeline may be granted by the City Council for such submittal for a maximum of an additional six months, and the applicant shall request waivers for any statutory time limits as necessary. The applicant shall submit such extension request no later than 14 days prior to the deadline for the application submission. Applications which fail to meet this deadline shall be deemed void and shall require review and re-application according to the development stage process of this section.

Proposals for a DCPUD Final Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) All revised DCPUD Development Stage Application submittal requirements as identified above shall be updated and resubmitted with the Final Stage DCPUD Permit application to incorporate all changes

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required by the DCPUD Development Stage permit approval and Preliminary Plat.

- (b) Transportation and utility extension and connection plans meeting the requirements of the City Engineer.
  - (c) All information required for Final Plat as provided in § 152.041.
  - (d) Up-to-date title evidence dated within the last 3 months for the subject property in a form acceptable to the City shall be provided as part of the application for the DCPUD Final Plat.
  - (e) The developer shall provide warranty deeds for property being dedicated to the city for all parks, outlots, etc., free from all liens and encumbrances except as otherwise waived by the City Council.
  - (f) Developer shall provide all easement dedication documents for easements not shown on the Final Plat including those for public and private utilities, trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.
  - (g) Private covenant documents or easements necessary to implement and maintain the DCPUD as approved by the city.
  - (h) The applicant shall execute the final Site Improvement Plan Agreement, which shall meet the requirements of this section.
- (18) *PUD Final Stage and Final Plat review.*
- (a) The application for Final Plat shall be reviewed in accordance with City Code §152.027, Final Plat Procedure.
  - (b) The application for Final Stage DCPUD Permit and Final Plat shall be considered by the City Council at a public meeting, following a review and report by the Community Development Department. The final Site Improvement Plan Agreement shall be considered with the Final Stage PUD and Final Plat. Approval of the Final Stage DCPUD Permit, Final Plat and Site Improvement Plan Agreement shall be by majority vote of all members of the City Council, except where State law may specifically require a super majority.
  - (c) The City shall, upon approval of the DCPUD Final Stage permit and satisfaction of all conditions of DCPUD approval, publish the DCPUD ordinance. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied and shall be designated in such a way as to be able to mark the official zoning map to identify the

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DCPUD ordinance. The DCPUD ordinance shall also designate that such property is thereby rezoned to the DCPUD district as adopted. Such ordinance shall include an effective date clause which may delay the effective date of the ordinance until such time as the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, and the subject property shall retain its previous zoning designation.

(19) *Site Improvement Plan Agreement.*

- (a) An approved DCPUD shall be governed by the approved Site Improvement Agreement and shall be binding on all successors, heirs, and assigns.
- (b) The agreement shall detail and control the terms and conditions of the approval given by City Council, including but not limited to the approved DCPUD site improvement plans and performance standards, development phasing, adopted DCPUD ordinance, the required public improvements and completion dates for improvements, the fiscal requirements, guarantees and securities necessary for the construction of all required public improvements and timing of their submission, required site development fees and escrows and timing of their submission, specification of required public improvement warranties, and any other information deemed necessary by the city.
- (c) The agreement shall identify the financial requirements for the installation of all municipal utilities, transportation, and any other infrastructure deemed by the City as necessary to support the DCPUD and to mitigate the expected infrastructure impact or capacity increase created or required by the DCPUD, and a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- (d) The agreement shall require on-going compliance with approved landscaping and screening plans for the full extent and operation of the effective DCPUD.
- (e) The agreement shall provide for securities necessary to review and verify compliance with the noise requirements of this section.

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- (f) The agreement shall stipulate any extension authorized by the City Council for timeline of recording of the final plat or timeline for the final platting of outlots within the plat.
  - (g) The agreement shall require that the recording of the final plat, rezoning proceedings, SIPA, and any applicable deeds, common area maintenance agreements, or other City agreements specific to the subject DCPUD occur prior to any development, including grading, within the DCPUD boundary.
  - (h) For any DCPUD which includes subdivision of parcels which have no direct frontage on a public street, the site improvement agreement shall require common maintenance and easement agreement.
- (20) *Site Plan review.* Following approval of the DCPUD, development within the DCPUD shall be subject to the Site Plan review process of this chapter. Site plans shall be consistent with the approved DCPUD ordinance and all other applicable provisions of this chapter. A liaison from the Planning Commission and City Council shall participate in the Site Plan review process.
- (21) *Timeline for performance.*
- (a) Upon DCPUD approval, the applicant is required to record the Final Plat within 365 days of the Council's approval of Final Stage and Final Plat. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the voidance of the approved Final Plat and Final Stage PUD. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the final plat submission requirement. Such request shall be presented to the City Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension.
  - (b) A building permit for a principal structure within the first phase of development on site shall be filed within 1 year of the filing of the Final Plat. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the one year date, based on the date of recording of the final plat with the Wright County recorder. The request for extension shall specify the desired timeline of extension and shall

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state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension. The City Council may act after the 1-year period to revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

(c) If there is a lapse of more than 3 years between completion of any individual phase and proceeding to any subsequent and successive phase of development as approved by the SIPA, notwithstanding on-going construction within an active phase of development as approved by the SIPA, the City Council may act after the 3 year period to revoke the DCPUD for the undeveloped portions of the DCPUD and require amendment to the governing Final Stage PUD approval and the SIPA, and rezone the undeveloped land to any other zoning district, following a public hearing to be held by the City Council. Extensions from this requirement for each phase may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the date of one year date, based on the date of recording of the final plat with the Wright County recorder. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension.

(22) *Amendment to DCPUD.* Approved PUDs may be amended upon request by those who have authority to submit an application per this section. At such time, the applicant shall make an application to the city for a DCPUD amendment which shall follow the same process as defined in this section for Development and Final Stage Permit, which applications shall not run concurrently. Such amendment shall not:

1. Introduce any other principal use inconsistent with this section. In such case, the application shall request revocation of the DCPUD for that portion of the land proposed for the amended principal use(s) and shall be subject to the application requirements of this chapter, as applicable.

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2. Eliminate, diminish, or vary from the minimum performance standards of this section.
3. Eliminate, diminish, or vary from the standards established by the DCPUD ordinance.
4. Amend any Final Stage site improvement plan element required by the approved DCPUD.
5. Exceed any maximum or minimum established in the DCPUD Final Stage narrative.
6. Create non-compliance with any condition attached to the approval of the DCPUD Final Stage plan.
7. Create non-compliance with any term or condition of the approved Site Plan Improvement Agreement.

(23) *Revocation.* If at any time the facility is in violation of the conditions of approval, including terms of the Site Improvement Plan Agreement, the City Council may revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

**Section 3.** Section §153.090, Use Table – Base Zoning Districts, Industrial Uses, is hereby amended as follows:

- (1) Insert Data center/Data center campus.
- (2) Data center/Data center campus shall be Permitted in DCPUD only and shall be prohibited in all other zoning districts.
- (3) Additional Requirements: §153.045.

**Section 4.** Section §153.092, Accessory Use Standards, Table 5-4, is hereby amended as follows:

- (1) Insert Data center, accessory.
- (2) Data center, accessory shall be Conditionally permitted in I-1 and I-2 districts only.
- (3) Additional Requirements: May be allowed within approved Planned Unit Development Districts by amendment to PUD.

**Section 5.** The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title XV, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make

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necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

**Section 7.** This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Monticello City Hall for examination upon request.

***ADOPTED BY*** the Monticello City Council this \_\_\_th day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Lloyd Hilgart, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Schreiber, City Clerk

AYES:

NAYS: