



**Planning Commission Work Session
Monday, June 1, 2026 at 6:00 PM
Public Meeting Room**

AGENDA

- 1. Call to Order**
- 2. Items for Discussion**
 - A. Continue Discussion on Potential Performance and Specific Use Standards for Data Centers
- 3. Routine Business**
- 4. Future Discussion**
- 5. Adjournment**

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Planning Commission Work Session Memorandum

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: David Wanberg, CED Director
MEETING DATE: June 1, 2026
SUBJECT: Continue Discussion on Potential Performance and Specific Use Standards for Data Centers

Background:

The Planning Commission conducted a work session on May 18, 2026, to begin discussions on potential performance and specific use standards related to data centers. The City of Faribault currently allows data centers within the I-2, Heavy Industrial District. The purpose of this memorandum is to:

- Provide an overview of existing city, state, and federal regulations that apply to data centers and other industries;
- Summarize regulations used by other communities for data centers and industrial development; and
- Assist the Environmental Commission, Planning Commission, and City Council in evaluating whether the City should adopt additional standards for data centers and possibly other industries.

The attached table provides an initial overview of existing standards. Monticello, MN recently passed detail regulations related to data centers (see the attached). Also, Commissioner Wilson suggested others may want to view the SMIF Data Center Presentations at https://www.youtube.com/playlist?list=PLSKLIU0-q7TnhPf9G0gEz2pPCZa3M_qI4

City Staff will help guide the Planning Commission's discussion. This work session is not intended to finalize potential ordinances, but rather to provide direction on next steps.

Attachments:

1. Overview of Existing Standards related to Data Centers

HONESTY ▪ RESPECT ▪ DEDICATED ▪ VISIONARY ▪ ACCOUNTABILITY

2. Monticello, MN Data Center Ordinance

OVERVIEW OF EXISTING AND POTENTIAL STANDARDS FOR DATA CENTERS

General Zoning Standards

Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
<p>Permitted only in the I-2, Heavy Industrial Zoning District, which is for heavy industrial uses that require isolation from other districts (Sec 12-230)</p>	<p>None</p>	<p>Many limit data centers to industrial districts and require a conditional use permit or a Planned Unit Development overlay</p> <p>Monticello: requires a Data Center PUD District</p>	<p>Cities that specifically regulate data centers often do so through a CUP or PUD. Performance standards and specific use standards can cover the standards that would be attached to a conditional use permit if covered properly.</p>
<p>Minimum building setbacks: Front- 25 feet Rear – 15 feet (50 feet if abutting residential district or use) Side – 15 feet (50 feet if abutting residential district or use) (Table 12-2)</p> <p>Parking: Front : 10 feet Rear and side: 5 feet Abutting residential: 50 feet (Table 12-2)</p>	<p>None</p>	<p>Setbacks vary greatly from under 100 feet to 1,000 feet – some cities measure setbacks from structure to structure, some from districts, some from property lines – some require greater setbacks for generators, cooling equipment, substations</p> <p>Monticello: All setbacks from buildings with fully screened mechanical equipment must be a minimum of 100 feet from agriculture, commercial, and industrial, 200 feet from residential, mixed-use, and parks – if equipment is not fully screened, then 100 feet from industrial, 200 feet from commercial and agriculture, 500 feet from residential and parks</p> <p>Parking setbacks are generally 25-50 feet or more – Monticello requires 50-150 feet</p>	<p>Structure setbacks from property lines and zoning districts are more legally defensible than setbacks from structures (which can change over time). Likely, the biggest setback concern is around backup generators, substations, and cooling equipment – not so much the building. So the City could consider something like 50-foot building setbacks from industrial and 200-300 feet from other districts/property lines – generators, cooling equipment, substations, 100 feet from industrial and 300 feet from other districts/property lines</p> <p>The City should require landscape buffers that will require a greater parking setback than 5-10 feet. The minimum parking setback should be perhaps 25 feet from industrial and 50 feet or more from r/w and other uses</p>

Maximum building height: 65 feet (or 45 feet if within 500 feet of a residential district (height may be increased through a conditional use permit) (Sec 12-60)	None	Height requirements vary. Most communities maintain their standard industrial use height requirements. Monticello: 50 feet	There is likely no need to change the City's height requirements
Minimum lot area: one acre	None	Lot area varies greatly. Provisions like setbacks, lot coverage, etc., generally control development more than lot area. Some communities may limit large data centers to lots of 20 acres or more, which can have advantages, like helping to limit where data centers go and limiting smaller operations, like crypto-mining operations on small industrial lots near other uses, but it can also encourage large data center	Lot area is not the most important provision to control data centers. The City could choose to maintain a minimum one-acre lot area. However, the City has a few I-2 sites (that likely should be rezoned to another I-1 or another district) on lots of around one acre that are near housing. Performance standards would almost certainly prevent these sites from having a data center. Nevertheless, if the City were to have a minimum lot area of 20 acres or more, it would limit data centers to a few areas (mostly by I-35, with few houses nearby), and it would suggest that the data centers would be relatively large
Minimum lot width: 100 feet (Table 12-2)	None	Similar to lot area, lot width varies considerably.	If the City were to require a minimum lot area of 20 acres or more, it would likely increase the minimum lot width to 500 feet or so.
Maximum ground area covered by all structures: 60% of the lot area (Sec 12-250) No minimum Floor Area Ration (FAR) required for industrial	None	Many communities are more concerned about impervious coverage than building coverage – 75-85% max. impervious coverage is common Monticello: Min FAR of 0.25	The City should strike a balance that allows sufficient landscape buffers and setbacks, while still allowing efficient use of land. A 70-85% max impervious coverage with a minimum FAR of 0.20-0.25 is reasonable – the FAR may not be necessary

Noise Standards			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
<p>Cannot create noise in such an amount or with such a recurrence or at such time of day to constitute a hazardous condition or as to reasonably interfere with use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance. Must comply with MPCA noise regulations (sec. 6-370)</p>	<p>MPCA standards – fairly detailed standards related to decibel levels – little to no standards related to low-frequency humming that does not exceed decibel levels (similar issues with highway noise, etc.)</p>	<p>Many cities require annual third-party testing to demonstrate compliance – some require full enclosure of generators, etc.</p> <p>Monticello: Must meet MPCA standards – must also conduct a noise study before operation of the data center – if noise exceeds standards, measures must be implemented to meet MPCA standards – limits generator testing to 8AM to 5PM Monday through Friday</p>	<p>Following established MPCA standards is defensible – requiring annual third-party testing is reasonable – setting generator testing times is reasonable</p> <p>Regulating data centers often requires tradeoffs – for example, air-cooled data centers use less water, but are louder and have the low-frequency humming</p> <p>Noise appears to be a public concern – most I-2 Districts of 20 acres or more are near I-35, which already has low-frequency noise</p> <p>City could add language to “reasonably” mitigate noise through enclosures, berming, location, etc.</p>
Lighting Standards			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
<p>Cannot create light or glare in such an amount as to constitute a hazardous condition or unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities (Sec. 6-340)</p> <p>Lighting cannot be over ½ footcandle at the closet residential property line and five footcandles at the street curb or non-residential property.</p>	<p>MS 16B.328 has very general language about outdoor lighting – encourages cities to follow national models (like IES)</p>	<p>Varies</p> <p>Monticello: 0.0 footcandles at property line abutting residential, public, parks – source cannot be closer than 50 feet from property line</p>	<p>Likely should explicitly require full cutoff fixtures</p> <p>Should consider dark-sky ordinances for all uses throughout the city</p>

2,000 lumens maximum if not a cutoff fixture or over 15 feet			
Air Emissions Standards			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
All uses shall comply MPCA standards (Sec 6-390)	MPCA standards and federal standards	Mostly refer to state/federal air quality standards	Following MPCA standards is most defensible – could potentially add general language
Water Usage and Cooling Systems			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
City Staff reviews the water demands for all projects to determine if there is sufficient water for the proposed use	State requires appropriation permits for over 100 million gallons of water per year.	Some cities require closed-loop or air-cooled systems to minimize water usage	Cooling technologies involve multiple tradeoffs – air-cooled uses the least amount of water but is also the loudest – the City should have standards that apply to all cooling and water use
Electric Use			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
The City does not regulate electric rates	<p>Minnesota adopted legislation with the intent that large electric consumers bear the cost of electrical infrastructure and energy costs rather than residential consumers</p> <p>The new legislation requires utilities to offer clean-energy tariff structures for data centers with the goal of 100% clean electricity standard by 2040</p> <p>The new legislation eliminated the sales tax exemption for data center electricity use</p>	Most cities do not control electric utilities	The MN PUC and utilities are responsible for electric utility costs – however, the intent of MN law is to protect existing customers from subsidizing new large load consumers
Building and Site Design Standards			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments

Architecturally finished materials required (Sec 12-80)	None	Some have stringent building material requirements that apply to all buildings	Building materials do not seem to be a major concern related to data centers, except certain materials could help reduce noise more than other materials
The City has extensive landscaping and screening requirements for all industrial uses (Sec 4-125)	None	Some cities require additional landscaping and screening, including berms.	Landscaping has many benefits beyond aesthetics – in addition, berms can help with noise – the city could potentially expand landscaping standards
Sustainability Standards			
Existing City Standards	Existing Federal/State Standards	Standards from Other Cities	Questions/Comments
The City has promoted sustainability but has not adopted specific sustainability standards	New state legislation requires large-scale data centers to obtain recognized sustainability standards within three years of service or that the state could clawback any benefits the state provides	Some cities have adopted specific sustainability standards	Although the state administers to states new sustainability standards, the City could require that the City receive the reports – the City could potentially adopt stricter standards – standards should be defensible – the state standards may be acceptable – the City could add general language

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**CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA**

AN ORDINANCE AMENDING THE MONTICELLO CITY CODE, TITLE XV, LAND USAGE, CHAPTER 153: ZONING ORDINANCE, SECTIONS 153.012 DEFINITIONS, 153.045 INDUSTRIAL BASE ZONING DISTRICTS, 153.046 OVERLAY ZONING DISTRICTS, 153.090 USE TABLE, 153.091 USE-SPECIFIC STANDARDS, 153.092 ACCESSORY USE STANDARDS TO ESTABLISH A DATA CENTER PLANNED UNIT DEVELOPMENT ZONING DISTRICT

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 accessory digital data computing facilities as defined by this ordinance 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 facility comprised of more than one principal data center building, but 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 accessory and appurtenant facilities as defined by this ordinance for “data center”. The term data center campus shall not include data mining as defined by this ordinance.

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Data center floor area ratio (DCFAR). The floor area ratio for a data center or data center campus facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal and accessory data center building(s) within the Data Center Planned Unit Development by the total net land area of the proposed Data Center Planned Unit Development, where net land area is defined as the gross land area of the Data Center Planned Unit Development less the square footage 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 1/10th 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

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provide for financial guarantees in this regard as a condition of any such approvals. There shall be no inherent right to rezoning to DCPUD.

(2) *Applicability.* All data center or data center campus development within the City of Monticello shall be regulated by this section.

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

- (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 within the municipal boundary of the City of Monticello at the time of application for rezoning.
- (c) The applicant will demonstrate that the project will be served with and connected to 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 applicant will provide financial guarantees for the installation of all municipal utilities, transportation, and any other public services or infrastructure 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 applicant 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.

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- (f) The applicant will demonstrate that the project 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 applicant demonstrates that the project 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 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 identifiable 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.
- (4) *Approval Criteria, Conditional Use Permit.* No Conditional Use Permit within the DCPUD shall be approved unless the land has been zoned DCPUD. No permit for work within the DCPUD as approved by the DCPUD Conditional Use Permit may be issued until the applicant has demonstrated compliance with all

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of the DCPUD Minimum District Performance Standards and has met the assigned conditions of approval to the satisfaction of the City

(5) *Principal uses.* Principal uses allowed in the DCPUD are as follows, subject to an approved DCPUD Conditional Use Permit meeting the procedural and performance standards of this section, and all generally applicable standards of the Monticello Zoning Ordinance:

- (a) Data Center.
- (b) Data Center Campus.

(6) *Accessory uses.* The following accessory uses are permitted uses in the DCPUD, subject to the procedural and Minimum District Performance Standards of this section, and all generally applicable standards of the Monticello Zoning Ordinance.

- (a) Offices and office buildings.
- (b) Security buildings.
- (c) Support facilities such as outdoor generators, mechanical or electrical equipment, electrical substations and transmission structures, or similar elements which are necessary to support the principal use.
- (d) Off-Street Parking, subject to the requirements of the Monticello Zoning Ordinance Section §153.067 per Parking Schedule #2.
- (e) Signs, Fencing, and Off-Street Loading subject to the provisions of this chapter, except as otherwise prohibited or regulated by this section.
- (f) Roof-mounted solar-energy systems or green-roof installations.
- (g) EV charging stations.
- (h) 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.
- (i) Any other use that is subordinate to and serving the principal use and customarily incidental to the principal use. Such use shall be authorized by DCPUD Conditional Use Permit.

(7) *Prohibited uses.* The following uses are specifically prohibited in the DCPUD:

- (a) The use of cargo or shipping containers, railroad containers, semi-trailer containers, and other similar storage containers, or any building that does not meet the building standards of this section, except that metal

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post-frame buildings for the purpose of construction activities may be authorized under the temporary use 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.

(8) *Temporary uses.* Temporary uses shall be permitted uses within the DCPUD subject to the Minimum District Performance Standards of this section. Such uses are limited to:

- (a) Temporary construction staging areas and construction activities directly related to the applicable phase of development.
- (b) Temporary buildings intended solely for the storage of construction materials and construction offices directly related to the applicable development phase, or to the replacement of materials and equipment for the DCPUD.

(9) *Environmental Review.* If an EAW, EIS or AUAR is applicable for the proposed DCPUD project under State law, such review must be completed prior to application. Individual components of a DCPUD development which may require separate environmental review as regulated by State law may be completed after application. Such review is subject to the applicable provisions of this chapter.

(10) *Minimum district performance standards.* Any development within the DCPUD shall comply with the standards as follows and such standards shall be adopted as part of the DCPUD ordinance. Any deviation from these standards requires approval of a variance, which shall be reviewed in accordance with §153.028.

- (a) The minimum data center floor area ratio (DCFAR) for the DCPUD and any individual phase of the DCPUD shall be as follows. At no time shall any individual developed phase of the DCPUD be constructed at an FAR of less than these standards, exclusive of the extent of approved site grading limits.

<100 acres	0.25
100-199 acres	0.24
200-299 acres	0.23

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300-399 acres	0.22
400-499 acres	0.21
500+ acres	0.20

(b) The minimum setback for all principal and accessory structures and/or uses shall be as follows. Any appurtenant elements shall be subject to the principal use setbacks as follows.

Table X-X					
Structure or Use	Setback from DCPUD Property Line to Structure or Use within DCPUD (Setbacks also applicable for parcels adjacent to the DCPUD boundary but for intervening street easement or ROW) The greater applicable setback for an adjacent parcel shall apply.				
	Parcels used for principal agricultural uses only	Parcels used, guided or zoned for residential, civic/institutional or mixed-uses	Parcels owned by a government entity for public parkland or public recreational purposes	Parcels guided or zoned commercial	Parcels guided or zoned industrial
Principal building structure(s) when any mechanical equipment and support facilities such as generators and cooling systems are: <ul style="list-style-type: none"> fully screened by principal building(s), or surrounded by a solid wall structure from all points of the 	100'	200'	200'	100'	100'

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<p>DCPUD boundary, or</p> <ul style="list-style-type: none"> located within a principal building(s), or ground mounted on or along an interior façade of the site’s principal structure(s) 					
<p>Principal building structure(s) when any mechanical equipment and support facilities including generators or cooling systems is oriented to any exterior portion of the principal building structure(s) and is not:</p> <ul style="list-style-type: none"> fully screened by principal building(s), or surrounded by a solid wall structure from all points of the DCPUD boundary, or located within a principal building(s), or ground mounted on or along an interior façade of the site’s principal structure(s) 	<p>200’</p>	<p>500’</p>	<p>500’</p>	<p>200’</p>	<p>100’</p>

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In such case, the applicable setback for such accessory use equipment shall be as follows:					
	200'	500'	500'	200'	100'
Off-Street Parking (including drive aisles)	100'	150'	150'	50'	50'
Off-Street Loading Facilities	100'	150'	150'	100'	100'
Fences or Walls	May be placed at any location, except such fences or walls may not be located within a drainage and utility easement without an approved license agreement or within a designated wetland buffer area.				
Other Accessory Buildings and Structures (exceptions: lighting)	50'	100'	100'	50'	50'

(c) The maximum height for principal and accessory structures shall be 50'. Accessory and temporary structures shall not exceed 25' in height.

- i. Appurtenant structures may not exceed the maximum height for principal or accessory structures as set above.
- ii. Private telecommunication antenna within the DCPUD may exceed this height up to a maximum of 100'.
- iii. Electrical substation equipment within the DCPUD are exempt from this height requirement.

(d) 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.

(e) Accessory building exterior finishes shall consist of materials compatible in grade and quality to the following:

- i. Decorative rock face block.

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- ii. Glass.
 - iii. Cast in place concrete or pre-cast concrete panels.
 - iv. Brick.
 - v. Exterior insulated finish systems.
- (f) Temporary uses within the DCPUD shall be subject to the following standards:
- i. Setbacks shall be established by the City within the adopted DCPUD ordinance.
 - ii. All temporary construction staging areas must be fully paved.
 - iii. Temporary buildings or uses, specifically including construction staging areas must be fully screened in accordance with the standards of this section.
 - iv. The maximum height of temporary buildings or structures shall be 25'.
 - v. Construction offices shall be consistent with building materials requirements of this section for accessory uses.
 - vi. Temporary construction activities within the DCPUD shall be subject to operational hours of 8 AM – 7 PM, Monday-Saturday and shall be subject to the lighting standards of this chapter.
- (g) 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, an Ambient Noise Study shall be submitted by a third-party engineer identifying current noise sources and determining whether existing levels meet or exceed MPCA levels, and which provides calculations which can be compared to future proposed equipment levels to evaluate changes to ambient conditions.
 - ii. Prior to commencement of operation of the DCPUD principal use facilities, the operator must conduct an additional noise study, preparing calculations for proposed equipment to determine noise levels as measured at the property line of neighboring property to the DCPUD or other noise sensitive uses as reasonably determined by the City. Where results exceed limits, the operator of the DCPUD

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shall be required to submit plans which detail the installation of sound mitigation measures within the DCPUD boundary which are necessary to compliance with MPCA noise rules.

- iii. Upon commencement of the operation of the DCPUD, the operator of a DCPUD must provide a liaison to respond to complaints about noise emanating from the DCPUD.
 - iv. An additional sound study shall be completed once per year during peak operation of the DCPUD mechanical equipment upon commencement of operation of the DCPUD principal use facilities. Such study shall utilize similar locations and methods used in the Ambient Noise Study for comparison purposes. 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(D), the City may require a Noise Impact Statement for low-frequency sound emissions and demonstrate mitigation plans consistent with the recommendations of the Statement.
- (h) Back-up power generators within the DCPUD may only be used for back-up electrical supply during a power outage. Curtailment of power supply or voluntary shutdown of power is not considered a power outage.
- 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 and approved annually with the City no later than January 15 of each year.
 - ii. On-site fuel storage for back-up power generators shall be subject to the accessory structure setback, height limitations, and screening requirements of this section. Such storage shall comply with all MPCA and State Fire Marshal requirements, all other permit, testing and listing requirements, and all applicable codes and standards such as NFPA 58.
- (i) All site lighting must meet the requirements of §153.063. Lighting, and is subject to the following additional requirements:
- i. 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.

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- ii. 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.
 - iii. Security plan exemption provisions of §153.063(G) are not eligible for areas zoned DCPUD.
- (j) Any outdoor facilities or equipment such as back-up generators, parking and private circulation areas, temporary construction staging areas and temporary buildings or 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 which meet 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.
 - v. In all cases, fences or walls used for screening purposes must install the required perimeter buffer landscaping materials of this section on the exterior side of the wall.
 - vi. Chain link fence with slats shall not be used for screening purposes.
- (k) All trash enclosures and storage must be located within a building meeting the materials requirements of this section.
- (l) 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.

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- (m) 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.
 - iv. The use of native species is encouraged.
- (n) A perimeter buffer shall be installed around the entire perimeter of the DCPUD District and maintained for the duration of DCPUD facility operation as follows:
- i. Installation of such buffer shall be required regardless of any intervening or abutting roadway or public right of way.
 - ii. The required perimeter buffer for the DCPUD perimeter boundary shall be installed and completed with the first phase of development and prior to any other construction within the DCPUD, within the exception of the location of designated construction entrance(s).
 - iii. 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).
 - iv. Evergreen canopy tree species meeting the size requirements of this chapter shall be planted in two rows of 6' on-center staggered intervals along the entire buffer and located on the exterior down-slope of the required berm.
 - v. The perimeter buffer may be located within the applicable structure setback and shall be located at the exterior side of any screening wall.
 - vi. The perimeter buffer shall not be required where the DCPUD property boundary directly abuts a property used for existing industrial uses but shall be required when adjacent to or abutting all other property uses, including vacant land, public right of way or public street easement.

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- vii. The use of native species and variation in species planting is encouraged.
 - (o) Fencing or walls shall be constructed of maintenance-free vinyl fencing or ornamental metal such as wrought iron or comparable, brick, stone, masonry or decorative stamped and colored concrete which mimic brick, stone or masonry.
 - (p) Chain link fencing may be used for security purposes and shall be black or black coated vinyl and shall not include slats.
 - (q) The facility shall provide parking for employees or service personnel at a rate per §153.067, Parking Schedule #2.
 - (r) Electrical substations directly serving the DCPUD shall be exempt from the minimum 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.
 - (s) 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. 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.
- (11) *DCPUD Initiation of Proceedings.* Requests for DCPUD concept plan , rezoning to DCPUD, and DCPUD conditional use 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.
- (12) *DCPUD Application.*
- (a) Submission of a DCPUD Concept Plan Submittal is at the option of the DCPUD proposer and is specifically not a formal land use application. Submissions shall be in accordance with this section and are not subject

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to the Specific Review Procedures and Requirements of this Chapter for Planned Unit Development.

- (b) Application for rezoning to DCPUD shall be noticed in accordance with the public notification requirements for Planned Unit Development as found in §153.027 Common Review Procedures and Requirements.
 - (c) Application for DCPUD Conditional Use Permit shall be noticed in accordance with the public notification requirements for Conditional Use Permit as found in §153.027 Common Review Procedures and Requirements.
 - (d) Application for rezoning to DCPUD and DCPUD Conditional Use Permit may run concurrently.
 - (e) Applications for Preliminary and Final Plat as applicable for a DCPUD site shall be submitted in accordance with § 152: Subdivisions.
 - (f) All required applications are subject to the adopted fee and escrows established by City ordinance.
 - (g) 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.
 - (h) All other requirements or provisions not specifically provided for by this section or otherwise exempted shall be as per City Code.
- (13) *DCPUD Concept Plan Submittal.* Prior to submitting application for 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 plan review 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.
- (14) *DCPUD Concept Plan Submittal Requirements.* Proposals for a DCPUD Concept Plan 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).

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- (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 uses and systems, including anticipated or known accessory or temporary 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 estimated DCPUD FAR at full site build-out.
- (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 plan proposal illustrating:
 - i. Proposed DCPUD District boundary.
 - ii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.).
 - 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.

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- 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 municipal 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 proposed access points to public right of way.

(15) *DCPUD Concept Plan 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.

(16) *Neighborhood Meeting.* The DCPUD concept proposer is encouraged to host a neighborhood meeting prior to submission of a formal application for rezoning to DCPUD.

(17) *DCPUD Rezoning Application Submittal Requirements.* Proposals for Rezoning to DCPUD shall include at least the information below to be considered complete (except as exempted by the City Council based on a written request submitted by the proposer, in which case the application shall be considered incomplete until decision of the Council has been made on the requirement). All

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costs of application and preparation of submission materials, including required studies, are borne by the applicant.

- (a) Proof of title in a form approved by the City Attorney.
- (b) Legal description and graphic exhibit of the property for which the DCPUD is requested.
- (c) Certificate of survey for the full DCPUD property boundary signed by a registered land surveyor and current within three months of application to include legal description, all public utilities, and detail of private utilities and easements, rights of way, and any other easements of record.
- (d) 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 Minimum District Performance Standards as required by this section.
 - iv. A narrative description of proposed DCPUD uses and operations, including anticipated or known accessory or temporary 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 detailing the gross area calculation of the full DCUD, and the proposed DCPUD FAR at full build-out.

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- viii. Maximum building coverage within the DCPUD site improvement boundary.
- (e) Ambient Noise Study meeting the Minimum district performance standards requirements of this section.
- (f) A conceptual utility study that identifies both City and private utility supply and demand on the relevant system, including water and wastewater system information. Such study shall illustrate the phasing for construction of municipal water and wastewater systems, and shall demonstrate to the satisfaction of the City that the proposed municipal 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.
- (g) To the extent it is known, the location of all electrical substation and transmission equipment proposed to be located within the DCPUD.
- (h) Listing and status of all required federal and state permitting as known at the time of application.
- (i) A fiscal summary statement, 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.
- (j) The proposed location, area and duration of any accessory or temporary uses within the DCPUD.
- (k) 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.
- (l) General statement of telecommunication system improvements so as to avoid any local service interruption during normal operations.

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(18) *DCPUD Conditional Permit Application Submittal Requirements.* Proposals for DCPUD Conditional Use Permit shall include at least the information below to be considered complete (except as exempted by the City Council based on a written request submitted by the proposer, in which case the application shall be considered incomplete until decision of the Council has been made on the requirement). All costs of application and preparation of submission materials, including required studies, are borne by the applicant.

- (a) DCPUD project narrative meeting the requirements as provided for DCPUD rezoning submittal.
- (b) DCPUD site improvement plan(s), illustrating:
 - 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. Depiction of the DCPUD site area illustrating minimum setbacks lines for the DCPUD site as required by this section.
 - iii. Estimated square footage calculation of full usable/buildable area within the DCPUD.
 - iv. Total maximum impervious surface coverage within the DCPUD.
 - v. Outlots planned for public dedication and/or open space.
 - 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, 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.
 - viii. Proposed sidewalks and trail connection points to public rights of way and any planned public sidewalk and pathways.
 - ix. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public parks. Proposed public utility easement corridors and/or rights of way necessary to serve the DCPUD and to extend municipal utilities to the further extent of the DCPUD boundary.

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- (c) All data required for Preliminary Plat as provided in § 152.040.
- (d) 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.
- (e) Delineation of the ordinary high-water levels of all water bodies.
- (f) Preliminary 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.
- (g) Preliminary landscaping plan illustrating the proposed location for the required perimeter buffer demonstrating to the extent practical the required width and placement necessary meet the requirements of this section, and detailing the location, species and count for landscaping materials required by the Minimum District Performance Standards for the perimeter buffer.
- (h) 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

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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.
- (i) A utility study that identifies both City and private utility supply and demand on the relevant system, including water and wastewater system information, and shall demonstrate to the satisfaction of the City that the proposed municipal 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:
 - i. Provide a municipal utility phasing plan which demonstrates alignment with the proposed development phasing and timing.
 - ii. Provide preliminary plans for extension of all public facilities, including the connection points, sizing and alignment of all utility lines, 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. Identify deficiencies in the public system pursuant to the project and provide a mitigation plan for identified deficiencies.
 - iv. 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.
 - v. 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.
 - vi. Sufficient information regarding the applicant's financial capacity to support the required system studies, public improvements and system upgrades.

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- vii. The applicant may request that the City complete such utility studies, at the applicant's cost.
 - (j) 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 Conditional Use Permit 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.
 - (k) For sites over 20 acres and for any DCPUD site to be developed in phases, a construction impact plan including designated construction traffic routes and mitigation plans for lighting, noise, vibration and dust.
 - (l) Any other information as directed by the Community Development Department required to evaluate the specific DCPUD proposal.
- (19) *DCPUD Rezoning Review.*
- (a) Application for rezoning to DCPUD shall be reviewed in accordance with this section.
 - (b) The hearing for rezoning may run concurrently with the hearing for the DCPUD Conditional Use Permit.
 - (c) As part of the review process for the DCPUD rezoning application, 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.
 - (d) The Planning Commission shall hold a public hearing on the DCPUD rezoning application and consider the application's 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 DCPUD rezoning. 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. The City Council may hold a public hearing on the request for DCPUD rezoning if they deem such necessary.

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- (e) After consideration of the Planning Commission recommendation and hearing, the City Council may approve the DCPUD rezoning. The City Council's decision will include the required conditions of the proposed rezoning. Approval of the amendment to rezone to DCPUD 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.
 - (f) Approval of the rezoning to DCPUD 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 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 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, and in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If 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.
 - (g) After consideration of the Planning Commission recommendation and/or hearing, the City Council may, in its sole discretion, deny the DCPUD rezoning. 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 and no DCPUD applicant shall have any expectation or right of approval of any such rezoning.
- (20) *DCPUD Conditional Use Permit Review.*
- (a) Application for DCPUD Conditional Use Permit shall be reviewed in accordance with this section.
 - (b) The hearing for DCPUD Conditional Use Permit may run concurrently with the hearing for the DCPUD rezoning.
 - (c) As part of the review process for the DCPUD Conditional Use Permit application, the Community Development Department shall generate an

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analysis of the proposal against the Approval Criteria of this section to formulate a recommendation regarding the permit to the Planning Commission and City Council.

- (d) The Planning Commission shall hold a public hearing on the DCPUD Conditional Use Permit application and consider the application's 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 DCPUD Conditional Use Permit. 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.
- (e) The City may assign conditions as part of its review relating to the Minimum District Performance Standards, 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 conditions deemed necessary to support the DCPUD and to mitigate the impact created or required by the DCPUD.
- (f) The Conditional Use Permit shall require ongoing compliance with approved landscaping and screening plans for the full extent and operation of the effective DCPUD.
- (g) After consideration of the Planning Commission recommendation and/or hearing, the City Council may, in its sole discretion, deny the DCPUD Conditional Use Permit. 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 Conditional Use Permit process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD Conditional Use Permit and no DCPUD applicant shall have any expectation or right of approval of any such Conditional Use Permit.
- (h) For any DCPUD which includes subdivision of parcels which have no direct frontage on a public street, the Conditional Use Permit shall require common maintenance and easement agreement.

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- (i) The Conditional Use Permit shall require submission of a Site Plan review per this chapter.
 - (j) No permit for work within the DCPUD as approved by the DCPUD Conditional Use Permit may be issued until the applicant has demonstrated compliance with all of the DCPUD Minimum District Performance Standards and has met the assigned conditions of approval to the satisfaction of the City.
- (21) *Site Plan review.* Following approval of the DCPUD rezoning and Conditional Use Permit, 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, DCPUD Conditional Use Permit and all other applicable provisions of this section.
- (22) *Timeline for performance.*
- (a) A building permit for a principal structure within the first phase of development on site shall be filed within 5 years of the City Council approval date of the DCPUD Conditional Use Permit. 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 five year date. 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. The City Council may act after the 5-year period to revoke the DCPUD rezoning and any approved Conditional Use Permit, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.
 - (b) If there is a lapse of more than 5 years between completion of any individual phase and proceeding to any subsequent and successive phase of development, notwithstanding on-going construction within an active phase of development, the City Council may act after the 5 year period to revoke the DCPUD rezoning and Conditional Use Permit for the undeveloped portions of the DCPUD and require amendment to the DCPUD ordinance and Conditional Use Permit , 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

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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 expiration of the 5-year period, which shall be based on the certificate of occupancy last principal building completed for the prior phase. 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.

(23) *Amendment to DCPUD.* Approved DCPUDs 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 Conditional Use Permit. 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.
2. Eliminate, diminish, or vary from the minimum performance standards of this section.

(24) *Revocation.* If at any time the facility is in violation of the conditions of approval, the City Council may revoke the DCPUD and DCPUD ordinance, revoke the governing DCPUD Conditional Use Permit approval, 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 column: DCPUD
- (2) Insert row: Data center/Data center campus
- (3) Data center/Data center campus DCPUD Conditional Use Permit
- (4) Prohibited in all other zoning districts.
- (5) Additional Requirements: §153.045.

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

- (1) Insert row: 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 previously 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 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 27th day of April, 2026.

Lloyd Hilgart, Mayor

ATTEST:

Jennifer Schreiber, City Clerk

AYES:

NAYS: