



MEMORANDUM

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TO: Mayor Crowe & City Council

FROM: David Schofield, Director of Public Works

SUBJECT: Draft Ordinance the Data Center Industrial (I-4) District Zoning

DATE: August 3, 2026 City Council Meeting

On January 5, 2026, the City adopted Ordinance 2026-01 which created the Data Center Industrial (I-4) District. See copy attached.

Since then, with assistance from Atty. Larry Konopacki of Stafford Rosenbaum, LLP, City Staff have created a draft ordinance to add additional regulations for the Data Center Industrial (I-4) District. A copy of the draft ordinance is attached hereto. The draft contains footnotes to provide context.

The intent of this discussion is to begin the conversation. Based upon feedback received, a second draft will be prepared and presented at a later date for further discussion.

No action, even introduction, is intended at this time.

To be clear:

- No lands are currently zoned Data Center Industrial (I-4) District.
- Any modification of the Data Center Industrial (I-4) District would require public notice, a public hearing and City Council action.
- Any rezoning of lands to the Data Center Industrial (I-4) District would require public notice, a public hearing and City Council action.

Attachments:

- Existing City Code 10-23
- Draft Ordinance, with footnotes

CHAPTER 23

I-4 DATA CENTER INDUSTRIAL DISTRICT

SECTION:

10-23-1: Uses

10-23-2: Height, Yards, Area And Other Requirements

10-23-1: USES:

A. In the data center industrial district, no building or premises shall be used and no building shall hereafter be erected, converted in use, enlarged, moved or structurally altered unless otherwise provided in this title, except for one or more of the following uses:

Agriculture.

Data Center.

Any use permitted in any commercial district.

Any use permitted in the restricted industrial district.

Uses customarily incidental to the foregoing uses and accessory buildings and structures

B. The following uses are strictly prohibited whether or not they are located in a fully enclosed building:

Ammunition manufacture, storage or warehousing.

Automobile wrecking yard.

Explosives manufacture, storage or warehousing.

Fireworks manufacture, storage or warehousing.

Inflammable gases or liquids manufacture, storage or warehousing (except in conjunction with the operation of an airport).

Junkyard.

(Ord. 2026-01, 1-5-2026)

10-23-2: HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

In the data center industrial district, the height of buildings, minimum dimensions of yards, minimum lot area, vision clearance, off street parking and other requirements shall be as follows for all buildings hereafter erected, converted in used, enlarged, moved or structurally altered:

A. Height: Forty five feet (45') or three (3) stories, whichever is least.

- B. Front Yard Setback: There shall be a front yard setback of four hundred feet (400').
- C. Side Yard Setback: There shall be a front yard setback of four hundred feet (400').
- D. Rear Yard Setback: There shall be a front yard setback of four hundred feet (400').
- E. Lot Area: Same as provided in section 14-4-7 of this code.
- F. Vision Clearance: Same as provided in subsection 10-4-5G of this title.
- G. Off Street Parking: Same as provided in section 10-4-7 of this title. (Ord. 2026-01, 1-5-2026)

July 29, 2026 DRAFT

Please Note: The footnotes herein will not be included in the final version of this ordinance. They are included here to aid in the review process.

ORDINANCE 2026-__ OF THE ORDINANCES FOR THE CITY OF MENOMONIE FOR 2026.

An ordinance amending portions of Title 10, Chapter 23 of the City Code.

THE COMMON COUNCIL OF THE CITY OF MENOMONIE DO ORDAIN AS FOLLOWS:

Section 1. Section 10-23 of the City Code is hereby repealed and recreated in its entirety to read as follows:

CHAPTER 23

I-4 DATA CENTER INDUSTRIAL DISTRICT

10-23-1: USES¹:

- A. In the data center industrial district, no building or premises shall be used and no building shall hereafter be erected, converted in use, enlarged, moved or structurally altered unless otherwise provided in this title, except for one or more of the following uses:
 - Agriculture
 - Any use permitted in any commercial district.
 - Any use permitted in the restricted industrial district.
 - Data Center.
 - Uses customarily incidental to the foregoing uses and accessory buildings and structures
- B. The following uses are strictly prohibited whether or not they are located in a fully enclosed building:
 - Ammunition manufacture, storage or warehousing.
 - Automobile wrecking yard.
 - Explosives manufacture, storage or warehousing.
 - Fireworks manufacture, storage or warehousing.
 - Inflammable gases or liquids manufacture, storage or warehousing (except in conjunction with the operation of an airport).
 - Junkyard.

10-23-2: HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS:

In the data center industrial district, the height of buildings, minimum dimensions of yards, minimum lot area, vision clearance, off street parking and other requirements shall be as follows for all buildings hereafter erected, converted in used, enlarged, moved or structurally altered:

¹ 10-23-1, No changes from Ordinance 2026-01 which was adopted on January 5, 2026.

- A. Height²: Forty-five feet (45') or three (3) stories, whichever is least.
- B. Front Yard Setback³: There shall be a front yard setback of four hundred feet (400') for buildings and eight-hundred feet (800') for backup generators and chillers.
- C. Side Yard Setback⁴: There shall be a side yard setback of four hundred feet (400') for buildings and eight-hundred feet (800') for backup generators and chillers.
- D. Rear Yard Setback⁵: There shall be a rear yard setback of four hundred feet (400') for buildings and eight-hundred feet (800') for backup generators and chillers.
- E. Lot Area⁶: Same as provided in section 14-4-7 of this code, except that the minimum lot area shall be large enough to accommodate the proposed building(s) and the required setbacks listed herein.
- F. Vision Clearance⁷: Same as provided in subsection 10-4-5G of this code.
- G. Off Street Parking⁸: Same as provided in section 10-4-7 of this code.
- H. Site Lighting⁹: Same as provided in Section 10-4-11 of this title.

² 10-23-2-A, No changes from Ordinance 2026-01 which was adopted on January 5, 2026.

³ 10-23-2-B, A setback of 800-feet has been added to backup generators and chillers, which are the most likely noise generators. The intent is to reduce impacts to adjacent properties.

⁴ 10-23-2-C, A setback of 800-feet has been added to backup generators and chillers, which are the most likely noise generators. The intent is to reduce impacts to adjacent properties.

⁵ 10-23-2-D, A setback of 800-feet has been added to backup generators and chillers, which are the most likely noise generators. The intent is to reduce impacts to adjacent properties.

⁶ 10-23-2-E, A clarifying note has been added that minimum lot sizes must accommodate the required setbacks. The intent is to eliminate a potential variance path.

⁷ 10-23-2-F, No changes from Ordinance 2026-01 which was adopted on January 5, 2026.

⁸ 10-23-2-G, No changes from Ordinance 2026-01 which was adopted on January 5, 2026.

⁹ 10-23-2-H, The Site Lighting requirements of City Code 10-4-11 have been added by reference. City Code 10-4-11 requires all fixtures to be downlit/cutoff and have a maximum corrected color temperature of 4,000 Kelvin. Light distribution may not exceed 0.5 footcandle at the property line. A photometric plan is required. See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-14162.

- I. Landscaping¹⁰: Same as provided in Section 9-9 of this code except:
- a. The number of required trees Section 9-9-6-A-1 shall be one tree for each twenty-five feet (25') (or fraction thereof) of the total perimeter of the property line.
 - b. At least one-half of the number of required trees shall have a minimum caliper of three-inches (3") for deciduous trees and a minimum height of nine-feet (9') for coniferous trees.
 - c. No portion of the site may be irrigated turf grass.
 - d. All areas not covered by buildings, equipment, parking lots, driveways, storage yards, or electrical yards shall be restored with deep-rooted native plants or non-irrigated turf grass.
- J. Storage Yards¹¹: Storage yards shall be screened from view from adjacent roadways as provided in Section 10-15-6-B of this code.
- K. Water¹²: Same as Section 8-1 of this code except as follows:
- a. Water demands shall not, in the City's sole discretion, exceed system capacity when including all other demands, unless the Developer, at its sole cost and expense pays for the construction of additional capacity.
 - b. Data Hall Cooling Equipment shall minimize use of water. Direct heat exchange to wastewater shall not be used. Open evaporative cooling shall not be used.
 - c. Large periodic water draws, except for fire-fighting, shall not occur between May 1 and September 1.
 - d. Developer shall provide detailed water conservation plan that includes best management practices for water conservation and estimated water usage on a gallons per minute, gallons per day and gallons per year basis.

¹⁰ 10-23-2-I, Landscaping requirements of City Code 9-9 have been added by reference. City Code 9-9 requires a landscape plan with certain numbers of trees and shrubs based upon the size of the project site. See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-6015. The exceptions listed quadruple the number of required trees (from 1 per 100-feet of perimeter to 1 per 25-feet of perimeter), double the required size of 50% of the deciduous trees (from 1.5-inch caliper to 3.0-inch caliper), double the required size of 50% of the coniferous trees (from 4.5-foot height to 9-foot height), prohibit irrigated turf grass, and promotes native plantings. The intent is to provide additional visual buffering more quickly.

¹¹ 10-23-2-J, The screening requirements from City Code 10-15-6-B have been adopted by reference. City Code 10-15-6-B states: *"Screening walls shall form a complete opaque screen and shall be a minimum height of six feet (6') or the height of the materials or products being screened, whichever is higher. The materials used for the screening wall may be an earthen berm and/or plants and/or solid fencing. No woven metal or chainlink fence shall be used..."*. See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-7471.

¹² 10-23-2-K, Water Utility requirements of City Code 8-1 have been added by reference. See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-4830. The exceptions listed directly prohibit certain types of water-intensive cooling methods, eliminate large water draws during hot summer months when lawn irrigation demands elsewhere in the City reduce the City's available capacity, require a water conservation plan, and require the water conservation plan to be updated regularly to encourage upgrades to further conserve water usage as technology evolves. The intent is to reduce impacts to the water utility and its users.

- e. Developer shall update water conservation plan no less than once every three (3) years and implement best management practices for water conservation improvements.
- L. Wastewater¹³: Same as provided in Section 8-2 of this code except as follows:
- a. Wastewater discharges shall not, in the City's sole discretion, exceed system capacity when including all other sources, unless the developer, at its sole cost and expense pays for the construction of additional capacity.
 - b. The PFOA limit contained in Section 8-2-4-6-A-12 shall commence effective immediately.
 - c. The PFOS limit contained in Section 8-2-4-6-A-13 shall commence effective immediately.
- M. Stormwater Management¹⁴: Same as provided in Section 9-11 of this code.
- N. Noise¹⁵:
- a. Construction noise shall be same as provided in Section 5-1-6-B-5 of this code except that no work shall occur on Sundays.
 - b. Operational noise, measured at the property line, shall not exceed five (5) decibels louder than ambient noise levels. Ambient noise levels shall include dBA and dBC noise levels averaged over a sixty (60) minute measurement period during daytime and nighttime periods.

¹³ 10-23-2-L, Sewer Utility requirements of City Code 8-2 have been added by reference. City Code 8-2 includes limits on wastewater discharges including, but not limited to, high temperature water, pH levels, and toxic pollutants. See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-4870. On May 4, 2026, the City adopted Ordinance 2026-07 which added limits on PFOA and PFOS but delayed enforcement thereof until January 1, 2029. Ordinance 2026-07 has not, as of this writing, been codified online. The exceptions listed eliminate that delayed enforcement for PFOA and PFOS in this District. The intent is to reduce impacts to the sewer utility and its users.

¹⁴ 10-23-2-M, The Stormwater Management requirements from City Code 9-11 have been adopted by reference. City Code 9-11 requires attenuation of peak discharge rate for the 1-year, 2-year, 10-year and 100-year storm events, total suspended solids removal of 80%, infiltration, and setbacks from waterways and wetlands. See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-6275. These requirements are in addition to Wisconsin DNR's requirements of NR 151 which includes, but is not limited to, endangered resources and archeologic/historical reviews.

¹⁵ 10-23-2-N, The construction noise requirements from City Code 5-1-6-B-5 have been adopted by reference. City Code 5-1-6-B-5 states: *"The erection (including excavating), demolition, alteration and repair of any building as well as the operation of any pile driver, excavating equipment, pneumatic hammer, derrick, power or electric hoist, chain saw, power mower or other residential power garden tools, the use of which is attended by noise which tends to disturb the comfort, quiet or repose of any reasonable person therein or within the vicinity, shall be permitted between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. only..."* See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-3283. The exception adds a Sunday as a quiet day. The operational noise increase limit of 5 decibels is based upon the City of St. Louis's proposed Chapter 26.77. This proposed language requires operation of noise monitoring equipment, quarterly reporting, and, if operational noise limits are violated, an updated noise mitigation plan and improvements to attain compliance.

- c. Developer shall provide noise mitigation plan that includes ambient noise level monitoring data, estimated noise levels at the property line assuming all backup generators are operating, and best management practices for noise mitigation.
- d. Developer shall install, operate and maintain noise monitoring equipment and provide noise monitoring reports to the City no less than quarterly. If operational noise exceeds the requirements listed above, Developer shall update noise mitigation plan and implement best management practices for noise mitigation improvements to come into compliance.

O. Traffic¹⁶:

- a. Developer shall provide a traffic mitigation plan that includes preconstruction traffic counts for all major intersections between the site and the nearest interstate highway, a traffic impact analysis report, recommended temporary traffic controls and improvements for construction traffic, and recommended permanent traffic controls and improvements for operational traffic.
- b. Developer shall install and maintain all necessary temporary construction traffic controls.
- c. Developer shall pay for the construction of all necessary permanent traffic controls.
- d. Developer and City shall agree on designated construction traffic roadways for construction traffic purposes between the site and the nearest interstate highway access point prior to commencement of construction, and Developer shall use all reasonable efforts to ensure that construction traffic vehicles exceeding twenty thousand (20,000) pounds gross vehicle weight exclusively use such designated construction traffic roadways.
- e. Prior to the commencement of construction, Developer shall provide to the City a professionally prepared analysis of the condition of the construction traffic roadways.

P. Groundwater¹⁷:

- a. Existing permitted wells, if any, on the property may continue to be used for dust mitigation during construction provided that the monthly volume pumped does not exceed the average monthly withdrawal over the most recent five (5) year period.
- b. All existing wells, if any, on the property shall be abandoned and sealed prior to issuance of final occupancy.
- c. No new wells shall be constructed on the property.

¹⁶ 10-23-2-O, City Code does not contain requirements for traffic associated with new development. This proposed language adds the requirement for a traffic impact analysis, construction traffic mitigation measures (i.e. temporary traffic signals on wires) if necessary, and permanent traffic mitigation measures if necessary. The intent of these proposed requirements is to reduce traffic impacts on the operation of adjacent roadways.

¹⁷ 10-23-2-P, This proposed language allows for existing wells to be used for dust control purposes as long as the withdrawal does not exceed prior withdrawals, requires existing wells to be abandoned and sealed to prevent operational usage, prohibits construction of new wells to prevent operational usage, requires existing on-site waste disposal system (i.e. septic systems) be removed to prevent operational usage, and prohibits the construction of new on-site waste disposal systems to prevent operational issues. The intent of these proposed regulations is to protect wells on adjacent properties.

- d. Existing on-site waste disposal systems, if any, on the property shall be removed prior to issuance of final occupancy.
- e. No new on-site waste disposal systems shall be constructed on the property.

Q. Backup Generators¹⁸:

- a. Except for Backup Generator testing or commissioning activities, Generator use is limited to backup/emergency use only. Generators may never be used as a general operating power source for day-to-day operation of the facility. The facility may not commence operation until complete electric service is provided to the site, and Generators may not be used as a power source in the event of a delay in electric service.
- b. Backup Generator tests shall be completed between the hours of ten (10:00) A.M. and five (5:00) P.M., Monday through Friday.
- c. Backup Generator fuel storage tanks shall be double-walled or have exterior containment.

R. Electric Capacity¹⁹: Developer shall provide written confirmation from the electric utility that it has, or will have, sufficient electric capacity to serve the building or premises.

S. Bonds²⁰:

- a. Reclamation Bond: Developer shall provide an irrevocable reclamation bond, in an amount approved by the City, that includes one hundred twenty percent (120%) of the estimated cost of demolition and removal of all buildings, equipment, parking lots, driveways, and storage yards on the site and restoration of the site to a pre-development condition, less the reasonable recycled materials value. Developer shall update the reclamation bond amount no less than once every three (3) years. Developer shall grant a recordable easement to the City that authorizes the City to enter the property and demolish and remove all buildings, equipment, parking lots, driveways, and storage yards on the site and restore the site to a pre-development condition if:
 - i. Developer fails to pay property taxes for the property for more than three (3) years, or
 - ii. Developer ceases operations and maintenance of the property for more than three (3) years.

¹⁸ 10-23-2-Q, This proposed language is based upon the City of St. Louis's proposed Chapter 26.77. The intent of these proposed regulations is to prevent excessive use of generators. These requirements are in addition to Wisconsin DNR's requirements for Air Quality Permitting.

¹⁹ 10-23-2-R, This proposed language requires the Developer to provide proof that they have sufficient electrical capacity. The City does not own an electric utility nor does it have regulatory powers over the operations of electric utilities. The Wisconsin Public Service Commission regulates electric utilities.

²⁰ 10-23-2-S, This proposed language adds a requirement to provide a reclamation bond to provide for the demolition of the building and site if/when it is no longer in operation. This proposed language adds a requirement for a Road Protection Bond to provide for repairs to construction traffic roadways.

- b. Road Protection Bond: Prior to Construction, Developer shall provide an irrevocable road protection bond that includes one hundred twenty percent (120%) of the estimated cost to mill and repave the full width and depth of all designated construction traffic roadways. Upon completion of construction and issuance of final occupancy, Developer shall provide to the City a professionally prepared analysis of the condition of the construction traffic roadways. The City shall repair the construction traffic roadways to at least the condition of such roadways prior to the commencement of construction, and bill all such costs directly to the Developer. The City is authorized to draw from the Road Protection Bond to pay such costs if Developer does not remit payment within thirty (30) days of receipt of the request to pay from the City. Following completion of the preceding steps, the remainder of the road protection bond shall be released.

T. Zoning Code Violations²¹: Violations of any provision of this Chapter will constitute violations of the Zoning Code and subject to penalties as discussed in Section 10-3-3.

10-23-3: REZONE APPLICATION REQUIREMENTS²²:

The following items are required to be submitted with any applications to rezone to the data center industrial district as part of a complete application:

- A. Identification of proposed end user.
- B. Conceptual site plan. Conceptual site plans shall include property boundary lines, location and extent of all proposed improvements, setback distances to all property boundary lines, and landscape plan.
- C. Conceptual building plans. Conceptual building plans shall include floor plan, elevation views of each face of the building.
- D. Water conservation plan.
- E. Noise mitigation plan.
- F. Traffic mitigation plan.
- G. Electric capacity letter.

²¹ 10-23-2-T, The zoning code Violations from City Code 10-3-3 have been adopted by reference. City Code 10-3-3 states: *"Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this title may also be required, upon conviction, to forfeit not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense."* See: https://codelibrary.amlegal.com/codes/menomoniewi/latest/menomonie_wi/0-0-0-6910.

²² 10-23-3, This language is entirely new, and clarifies what information is required for a complete rezoning application. An incomplete zoning application will not be considered.

...

Section 2. This ordinance shall take effect upon the date of publication as provided in Section 62.11(4)(a), Wisconsin Statutes.

INTRODUCED _____

APPROVED THIS ____ DAY

FIRST READING _____

OF _____, 2026

SECOND READING _____

MAYOR, MATTHEW CROWE

PASSED _____

PUBLISHED _____

SUBMITTED BY:

ATTEST _____

CITY CLERK, CATHERINE MARTIN

ALDERPERSON