

# TOWN OF SARATOGA DATA FACILITY OPERATIONS ORDINANCE

Wood County, Wisconsin

**WHEREAS**, the development of data centers is swiftly increasing across the State of Wisconsin; and

**WHEREAS**, data centers can cause adverse impacts to the environment and community, and

**WHEREAS**, the Town's zoning and other ordinances do not regulate the development or operation of data centers, and

**WHEREAS**, the Town Board has determined that it is in the best interest of the Town of Saratoga that the Town's zoning ordinance be amended to regulate the siting and operations of data centers.

**NOW, THEREFORE**, the Board of the Town of Saratoga, Wisconsin, does hereby adopt this ordinance.

## **Section 1 – Purpose and Authority**

**1.01 – Purpose:** The purpose of this Ordinance is to establish guidelines to regulate the siting and operations of any data center and its accessory uses, to proactively inform developers of such regulations, and to further the balance of economic development with community welfare.

**1.02 – Authority:** This Ordinance is adopted pursuant to the Town Board's authority under Wis. Stats. §§ 66.1001(1)(a) and 66.1001(2), §§ 60.10(2)(c), 60.22(3), 60.62, 61.35, and 62.23.

**1.03 – Related Ordinance:** Town of Saratoga Zoning Ordinance (Zoning Ordinance), No. 11-19-2025.

## **Section 2 – Applicability**

The provisions of this Ordinance shall apply to all data facilities in the Town of Saratoga. In the event that any of these provisions are found to be in conflict with provisions of the Town of Saratoga Zoning Ordinance or any other ordinance of the Town, the most restrictive regulation shall be applied, unless otherwise stated.

## **Section 3 – Definitions**

**ACCESSORY** means a use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same piece of land, including an electric utility substation. The accessory use or structure is serving a purpose customarily incidental to the use of the principal building or land use and may be detached from the primary structure or structures.

**DATA CENTER** means a building or buildings used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital storage and operations. It includes cryptocurrency mining, blockchain transaction processing, and server farms. It does not include computers or telecommunications-related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with manufacturing or an office building.

**DATA FACILITY** means the combined operations of a data center and its accessories.

**DATA FACILITY DEVELOPER** means a person or entity that applies for a permit to construct or operate a data facility.

**DATA FACILITY OPERATOR** means a person or entity authorized to operate a data facility in the Town of Saratoga.

#### **Section 4 – Regulation of Development and Operations**

**4.01 – District Location:** A Data Facility shall only be located in the General Industry District (ID) pursuant to Zoning Ordinance, Section 8.

**4.02 – Permit Required:** No person or business shall construct or operate a data facility in the Town of Saratoga unless issued a conditional use permit pursuant to Zoning Ordinance, Section 16.

**4.03 – Compliance Required:** No conditional use permit to develop or operate a data facility shall be issued or continued unless compliant with this Ordinance.

#### **4.04 – Aesthetics of Structures, Parking, and Overall Property**

- A. All principal and accessory structures associated with a data facility shall be arranged, designed, and constructed to be harmonious and compatible with the site and with surrounding properties.
- B. Any application for a permit is subject to site plan review and approval pursuant to Zoning Ordinance, Section 13.
- C. Every structure shall be set back at least two hundred (200) feet from all property lines.
- D. Every parking lot shall be set back at least one hundred (100) feet from all property lines.
- E. Every data facility structure shall adhere to the design requirements as specified in Zoning Ordinance, Section 13.5.
- F. Fencing of the property is permitted, but fences shall not exceed 6 feet in height above ground and shall be of a high-quality design and materials.

**4.05 – Maximum Height:** The maximum building height for any structure shall be 45 feet inclusive of roof-mounted equipment.

**4.06 – Parking:** Any data facility development will include off-street parking pursuant to Zoning Ordinance, Section 22, providing one (1) space per two (2) employees, plus one (1) space for every business vehicle normally kept on the premises.

**4.07 – Off-Street Loading:** Adequate loading spaces and areas shall be provided and so located that all vehicles loading, maneuvering, or unloading are completely off the public right-of-way, and have sufficient on-site maneuvering room to avoid vehicles backing on a roadway, when entering or exiting a property, pursuant to Zoning Ordinance, Section 22.

**4.08 – Environmental Controls**

- A. Light: Pursuant to Zoning Ordinance, section 8 and 21, a data facility developer or operator shall limit night lighting on-site to which is minimally necessary for security and safety. Every effort consistent with the legal requirements for safety shall be made to minimize illumination of the night sky and neighboring properties.
- B. Noise: A data facility developer or operator facility shall control off-site noise levels to maximum extent practicable to avoid adverse impacts neighboring landowners. The noise levels at the property boundaries shall not exceed 60dBA. A noise reduction barrier or device may be required at the discretion of the Town Zoning Official when it is inconclusive that noise level tests do not conform to acceptable noise levels.
- C. Air Quality: Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such manner that it is not perceptible (negatively impacting) at or beyond the property lines.

**4.09 – Safety and Emergency Management**

- A. The equipment used in any data center shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electrical system failure.
- B. No data facility shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare as determined by state and local emergency management, demonstrated by submission of an Emergency Response Plan (ERP) prepared by a qualified professional that:
  - a. Is reviewed and accepted by the local fire department(s) and emergency management services as part the conditional use process;
  - b. Includes detailed procedures for fire suppression, containment, ventilation, and evacuation;
  - c. Includes an evaluation of access roads to ensure suitable access for emergency equipment within the site;
  - d. Ensures that all emergency personal receive adequate training specific to the installed system; and

- e. Includes provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data facility.
- C. When a data facility will include battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, no conditional use permit shall be issued unless the data facility developer demonstrates compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems or similar standards and must include fire suppression systems designed specifically for battery storage.

#### **4.10 – Landscaping**

A landscape buffer is required between any data facility structure and any adjoining residential district or public roadway. The landscape buffer shall comply with the following requirements:

- A. The landscape buffer shall be at least (25) feet in width and may be part of the minimum setback distance.
- B. Buffer plantings shall consist of native species planted and maintained as follows:
  - (1) One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of (8) feet in height at the time of planting.
  - (2) One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
  - (3) One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for a single stemmed variety.
  - (4) Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

#### **4.11 – Power**

A certificate of occupancy shall not be issued if the data center developer has not provided all of the following verifications from applicable service provider:

- A. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider;
- B. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use;
- C. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region;

- D. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises; and
- E. The electrical work has passed a third-party final inspection.

#### **4.12 – Environmental and Community Impact Analysis**

No later than seven (7) business days prior to the commencement of a public hearing on the application for a conditional use permit, the applicant shall provide an environmental and community impact analysis that includes all of the following:

- A. An environmental impact assessment compliant with Section 4.12 of this Ordinance.
- B. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials;
- C. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the state and cultural and historic resources on the property and within 1000 feet of the boundaries of the property pursuant to Zoning Ordinance, Section 13;
- D. Evidence that the disposal of materials will be accomplished in a manner that complies with state, federal, and municipal regulations;
- E. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
  - (1) Emergency services and fire protection,
  - (2) Water supply,
  - (3) Sewage disposal,
  - (4) Solid waste disposal,
  - (5) School facilities and school district budget, and
  - (6) Municipal revenues and expenses.
- F. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

#### **4.13 – Environmental Impact Assessment**

The environmental and community impact analysis required pursuant to Section 4.11 of this Ordinance, shall include environmental impact assessment prepared by a professional engineer, ecologist, environmental planner, or other qualified individual, that includes a description of the proposed use, including location, relationship to other projects or proposals, with adequate data

and detail for the Town of Saratoga to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.

At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

- A. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
- B. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.
- C. A stormwater management plan will be required.
- D. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
- E. Additional considerations. The following shall also be addressed:
  - (1) Alternative analysis. A description of alternatives to the impacts.
  - (2) Adverse impacts. A statement of any adverse impacts that cannot be avoided.
  - (3) Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction including design considerations.
  - (4) Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
- F. Critical Impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
  - (1) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
  - (2) A statement of impact upon critical areas and of adverse impact that cannot be avoided.

- (3) Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

#### **4.14 – Water and Sewer**

- A. If the data facility will rely upon nonpublic sources of water, the applicant shall submit the findings of a water feasibility study that determines if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.
- B. No data facility shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
  - (1) The projected water demands of the data facility;
  - (2) The sources of the water to be used;
  - (3) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
  - (4) The long-term safe yield of the water source;
  - (5) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
  - (6) A geologic map of the area with a radius of at least one mile from the site;
  - (7) The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
  - (8) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;
  - (9) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;
  - (10) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- C. A data facility developer or operator shall demonstrate compliance with applicable regulations of Wood County, including regulations and ordinances adopted under the county's authority to regulate shoreland and navigable waters.

- D. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided to and approved by the Wisconsin Department of Natural Resources (DNR) and Department of Justice (DOJ) as applicable.

**Section 5 – Severability**

If any sentence, clause, section, or part of this Ordinance or the Zoning Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is the intent of the Town of Saratoga that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

**Section 6 – Fees**

All applicable costs incurred by the Town of Saratoga, pertaining to this project, including professional review of all submitted documentation, shall be paid by the applicant. Application fees are assessed pursuant to the Town of Saratoga fee schedule.

**Section 7 – Violations and Penalties**

Violations of this ordinance area subject to penalties pursuant to Zoning Ordinance, Section 23.6 and any other applicable ordinance.

**Section 8 – Effective Date**

This Ordinance shall take effect upon acceptance of the Saratoga Town Board.