

..Number
260142
..Version
SUBSTITUTE 1
..Reference

..Sponsor
ALD. DIMITRIJEVIC, BROWER, STAMPER, AND JACKSON

..Title
A substitute ordinance relating to the building of data centers.

..Section
295-201-136 cr
295-201-239 am
295-201-651 am
295-201-653 am
295-203-5-a am
295-203-13-c rn
295-203-13-c cr
295-203-13-d rn
295-203-13-e rn
295-203-13-f rn
295-203-13-g rn
295-203-13-h rn
295-203-13-i rn
295-203-13-j rn
295-203-13-k rn
295-203-15-j am
295-203-15-k am
Table 295-403-2-a am
Table 295-404-1 am
Table 295-503-1 am
Table 295-603-1 am
Table 295-703-1 am
Table 295-803-1 am
295-803-2-mm rn
295-803-2-mm cr
295-803-2-nn rn
295-803-2-oo rn
295-803-2-pp rn
295-803-2-qq rn
295-803-2-rr rn
295-803-2-ss rn
Table 295-903-2-a am
Table 295-905-2-a am

..Analysis
This ordinance creates a new land use type called “data center,” amends related land use definitions to distinguish data centers from general office and substation/distribution equipment uses, and establishes parking requirements for data centers. Data centers

are prohibited in all zoning districts except Industrial-Light (IL1 and IL2) and Industrial-Heavy (IH), where they are a limited use subject to cooling-system restrictions. In those districts, a data center of 20,000 square feet or less is a limited use; a data center of more than 20,000 square feet but not more than 60,000 square feet may be permitted only as a special use, with submission of specified information to the Board of Zoning Appeals; and a data center of more than 60,000 square feet is prohibited.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-201-136 is created to read:

295-201. Definitions.

136. DATA CENTER means a facility, other than a transmission tower, used primarily to operate, maintain, or provide access to computer and network facilities for the transmission of voice, data, text, internet, sound, or full-motion-picture video between network termination points, together with accessory uses and facilities such as offices, air handlers, power generators, generator fuel storage, water cooling and storage facilities, and utility infrastructure that supports sustained operation of the data center.

Part 2. Section 295-201-239 is amended to read:

239. GENERAL OFFICE means use of a building for business, professional or administrative office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include ~~[[, but are not limited to,]]~~ offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution >> a data center<< or the office of a physician, dentist, optometrist or chiropractor. Accessory uses may include ~~[[, but are not limited to,]]~~ common areas, >>computer server rooms or data facilities that serve the principal office use on the same premises,<< break rooms and lounge areas, including kitchens, coffee bars, outdoor spaces, pet-friendly areas, game rooms, fitness centers, locker and shower rooms, meeting rooms and conference centers. Accessory conference or meeting spaces may be occasionally used by outside groups. Accessory uses and functions may be related to an individual building occupant or may be common resources available to all occupants in a multi-tenant office building.

Part 3. Section 295-201-651 is amended to read:

651. SUBSTATION/DISTRIBUTION EQUIPMENT, INDOOR means a facility, other than a transmission tower >>or data center<< and contained entirely within a building, which ~~[[performs either of the following functions:~~
~~a. Aids]]~~ >>aids<< in the distribution of a utility, including but not limited to electric power or telephone service.

~~[[b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.]]~~

Part 4. Section 295-201-653 is amended to read:

653. SUBSTATION/DISTRIBUTION EQUIPMENT, OUTDOOR means a facility, other than a transmission tower >>or data center<< and not contained entirely within a building, which ~~[[performs either of the following functions:~~

~~a. Aids]] >>aids<< in the distribution of a utility, including but not limited to electric power or telephone service.~~

~~[[b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.]]~~

Part 5. Section 295-203-5-a is amended to read:

295-203. Use Definitions.

5. COMMERCIAL AND OFFICE USES.

a. "General office" means use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include ~~[[, but are not limited to,]]~~ offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution >>, a data center<< or the office of a physician, dentist, optometrist or chiropractor. Accessory uses may include ~~[[, but are not limited to,]]~~ >>computer server rooms or data facilities that serve the principal office use on the same premises,<< common areas, break rooms and lounge areas, including kitchens, coffee bars, outdoor spaces, pet-friendly areas, game rooms, fitness centers, locker and shower rooms, meeting rooms and conference centers. Accessory conference or meeting spaces may be occasionally used by outside groups. Accessory uses and functions may be related to an individual building occupant or may be common resources available to all occupants in a multi-tenant office building.

Part 6. Section 295-203-13-c to k of the code is renumbered 295-203-13-d to L.

Part 7. Section 295-203-13-c is created to read:

13. INDUSTRIAL USES.

c. "Data center" means a facility, other than a transmission tower, used primarily to operate, maintain, or provide access to computer and network facilities for the transmission of voice, data, text, internet, sound, or full-motion-picture video between network termination points, together with accessory uses and facilities such as offices,

air handlers, power generators, generator fuel storage, water cooling and storage facilities, and utility infrastructure that supports sustained operation of the data center.

Part 8. Section 295-203-15-j is amended to read:

15. UTILITY AND PUBLIC SERVICE USES.

j. "Substation/distribution equipment, indoor" means a facility, other than a transmission tower >>or data center<< and contained entirely within a building, which ~~[[performs either of the following functions:~~

~~j-1. Aids]] >>aids<< in the distribution of a utility, including but not limited to electric power or telephone service.~~

~~[[j-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.]]~~

Part 9. Section 295-203-15-k is amended to read:

k. "Substation/distribution equipment, outdoor" means a facility, other than a transmission tower >>or data center<< and not contained entirely within a building, which ~~[[performs either of the following functions:~~

~~k-1. Aids]] >>aids<< in the distribution of a utility, including but not limited to electric power or telephone service.~~

~~[[k-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.]]~~

Part 10. Table 295-403-2-a is amended to read:

295-403. Motor Vehicle Parking.

2. NUMBER OF SPACES.

a. Number Required.

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
.	.
.	.
.	.
Railroad switching, classification yard or freight terminal	none
INDUSTRIAL USES	
Alcohol beverage facility, micro	none
Alcohol beverage facility, large	none
>> <u>Data Center</u>	<u>none</u> <<

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
Food processing	none
Manufacturing, light	none
Manufacturing, heavy	none
.	.
.	.
.	.

Part 11. Table 295-404-1 is amended to read:

295-404. Bicycle Parking.

1. NUMBER OF SPACES.

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
.	.	.
.	.	.
.	.	.
Railroad switching, classification yard or freight terminal	none	none
INDUSTRIAL USES		
Alcohol beverage facility, micro	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Alcohol beverage facility, large	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
>> <u>Data Center</u>	<u>for office space, see general office; no requirement for non-office areas</u>	<u>one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces</u> <<
Food processing	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, light	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, heavy	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	Long-Term Bicycle Parking Spaces Required	Short-Term Bicycle Parking Spaces Required
.	.	.
.	.	.
.	.	.

Part 12: Table 295-503-1 is amended to read:

295-503. Uses.

1. USE TABLE.

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE									
Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use	Zoning Districts								
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4-RT5	RM1-RM2	RM3-RM7	RO1	RO2
.
.
.
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES									
Alcohol beverage facility, micro	N	N	N	N	N	N	N	N	N
Alcohol beverage facility, large	N	N	N	N	N	N	N	N	N
>>Data Center	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u> <<
Food processing	N	N	N	N	N	N	N	N	N
Manufacturing, light	N	N	N	N	N	N	N	N	N
Manufacturing, heavy	N	N	N	N	N	N	N	N	N
.
.
.

Part 13: Table 295-603-1 is amended to read:

295-603. Uses.

1. USE TABLE.

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
Y = Permitted Use S = Special Use		L = Limited Use N = Prohibited Use		Zoning Districts				
Uses	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
.
.
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N
INDUSTRIAL USES								
Alcohol beverage facility, micro	N	N	L	L	L	L	L	Y
Alcohol beverage facility, large	N	N	N	N	N	N	N	N
>>Data Center	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u> <<
Food processing	N	N	L	L	L	L	L	L
Manufacturing, light	N	N	L	L	L	L	L	L
Manufacturing, heavy	N	N	N	N	N	N	N	N
.
.
.

Part 14: Table 295-703-1 is amended to read:

295-703. Uses.

1. USE TABLE.

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y = Permitted Use S = Special Use		L = Limited Use N = Prohibited Use		Zoning Districts				
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
.
.
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	Y	Y
INDUSTRIAL USES								
Alcohol beverage facility, micro	N	L	L	L	L	L	Y	Y
Alcohol beverage facility, large	N	N	N	N	N	N	L	L
>>Data Center	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u> <<
Food processing	N	L	L	N	L	L	Y	Y
Manufacturing, light	N	L	L	N	L	L	Y	Y
Manufacturing, heavy	N	N	N	N	N	N	N	N
.
.

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y = Permitted Use S = Special Use		L = Limited Use N = Prohibited Use		Zoning Districts				
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
.

Part 15: Table 295-803-1 is amended to read:

295-803. Uses.

1. USE TABLE.

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y = Permitted Use S = Special Use		L = Limited Use N = Prohibited Use		Zoning Districts	
Uses	IO1/ IO2	IL1/ IL2	IC	IM	IH
.
.
.
Railroad switching, classification yard or freight terminal	N	Y	Y	Y	Y
INDUSTRIAL USES					
Alcohol beverage facility, micro	Y	Y	Y	Y	Y
Alcohol beverage facility, large	S	L	Y	S	Y
>>Data Center	<u>N</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>L</u> <<
Food processing	Y	Y	Y	Y	Y
Manufacturing, light	Y	Y	Y	Y	Y
Manufacturing, heavy	N	S	S	S	Y
.
.
.

Part 16: Section 295-803-2-mm to ss is renumbered 295-803-2-nn to tt.

Part 17: Section 295-803-2-mm is created to read:

2. LIMITED USE STANDARDS

mm. Data Center.

mm-1. A data center shall not use evaporative cooling or other evaporative heat-rejection equipment. If a water-based cooling system is used, it shall be a non-evaporative closed-loop system.

mm-2. The total floor area of a data center shall not exceed 20,000 square feet in a single structure or among a collection of structures on the premises. If this standard is not met and the total floor area does not exceed 60,000 square feet, the data center

may be permitted only as a special use. If the total floor area exceeds 60,000 square feet, the use is prohibited.

mm-3. In addition to any other information required for special use approval, an applicant for a data center that exceeds 20,000 square feet shall submit a report prepared by a professional engineer licensed in Wisconsin for the board’s consideration under s. 295-311-2. The report shall include:

mm-3-a. The projected annual energy demand measured in kilowatt hours.

mm-3-b. The projected peak power demand, measured in kilowatts.

mm-3-c. A noise analysis addressing surrounding uses and any proposed mitigation measures.

mm-3-d. A written statement describing how the proposed data center will provide community benefit and advance one or more applicable goals, policies, or strategies of the city’s comprehensive plan, including the climate and equity plan and the industrial land analysis, and how the proposal will avoid, minimize, or mitigate adverse impacts on surrounding properties and neighborhoods.

Part 18: Table 295-903-2-a is amended to read:

295-903. Parks District (PK).

2. USES

a. Use Table.

Table 295-903-2-a PARKS DISTRICT USE TABLE	
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use
Uses	Zoning District
	PK
.	.
.	.
.	.
Railroad switching, classification yard or freight terminal	N
INDUSTRIAL USES	
Alcohol beverage facility, micro	N
Alcohol beverage facility, large	N
>> <u>Data Center</u>	<u>N</u> <<
Food processing	N
Manufacturing, light	N
Manufacturing, heavy	N
.	.

Table 295-903-2-a PARKS DISTRICT USE TABLE		Zoning District
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	
Uses		PK
.		.
.		.

Part 19: Table 295-905-2-a is amended to read:

295-905. Institutional District (TL).

2. USES.

a. Use Table.

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE		Zoning District
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use	
Uses		TL
.		.
.		.
.		.
Railroad switching, classification yard or freight terminal		N
INDUSTRIAL USES		
Alcohol beverage facility, micro		N
Alcohol beverage facility, large		N
>>Data Center		<u>N</u> <<
Food processing		N
Manufacturing, light		N
Manufacturing, heavy		N
.		.
.		.
.		.

..LRB
APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau
Date: May 19, 2025

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

..Requestor

..Drafter
LRB181292-4
Dave Gelting
May 19, 2026