



**Department of City Development**  
City Plan Commission  
Redevelopment Authority of the City of Milwaukee  
Neighborhood Improvement Development Corporation

**Lafayette L. Crump**  
Commissioner

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Deputy Commissioner

## **CC File # 211529 | Zoning change on lands in the 3<sup>rd</sup> Ward from Industrial Mixed, IM, to Downtown-Mixed Activity, C9G**

### **Frequently Asked Questions**

*Prepared by DCD – Planning Division | February 24, 2022*

*Note: This Frequently Asked Questions document is provided for general informational and reference purposes only, and is not intended to be a formal legal interpretation of the zoning code and how it may apply in unique circumstances related to non-conformities or other situations that will require an individualized review by the Department of Neighborhood Services Development Center under the relevant City ordinances.*

#### **1. What is zoning and what does it do?**

Zoning regulates how land can and cannot be used, and the ways in which the land can be developed. Each property in the city is assigned a zoning classification.

Milwaukee's zoning code consists of subchapters that outline rules for residential, commercial, industrial, downtown, and special zoning districts, as well as zoning overlays. Each zoning district subchapter contains a use table that lists all defined uses and whether the use is permitted, prohibited, special, or limited. There are also design standards for each zoning district that regulate items such as building setbacks, maximum height, maximum lot coverage, and maximum residential unit density.

You can look up the zoning of your property via My Milwaukee Home:  
<https://itmdapps.milwaukee.gov/MyMilwaukeeHome/indexSidebar.jsp>.

- Enter your address and click "Submit Address."
- Scroll down to the "Special Interest" section of the page – here you will find the zoning classification and other helpful information, such as whether your site is within a zoning overlay or designated as historic.

The zoning code is available here:

<https://city.milwaukee.gov/DCD/Planning/PlanningAdministration/ZoningCode>.

#### **2. The property I own or live in is not in the boundary, but I got a letter about this item. Will this impact me?**

This zoning change applies only to properties within the zoning change boundary. Neighbors within 200 feet of the boundary also receive public hearing notices to make you aware of the proposed zoning change and allow you to provide feedback if you would like, but the zoning change will not impact allowable uses of your property if you live outside of the zoning change boundary.



### **3. Why is this zoning change being proposed?**

The Common Council adopted a motion sponsored by Alderman Robert Bauman that directed the Dept. of City Development (DCD) to introduce a proposed zoning change ordinance that would rezone this portion of the Historic Third Ward from Industrial Mixed (IM) to Downtown – Mixed Activity (C9G). The Downtown – Mixed Activity (C9G) district is the zoning already in place for the majority of properties located within the Historic Third Ward. The C9G zoning district is designed and intended to permit a wide range of retail, service, light manufacturing and residential uses.

These subject sites within the proposed zoning change boundary were assigned the IM zoning designation at the time the current zoning code was adopted in October 2002, likely to correlate with the land uses at that time when there were more active industrial users in the area. The IM zoning designation allows the orderly conversion of certain older industrial and warehousing areas with multi-story buildings to residential, commercial or offices uses for which the buildings, at the present time, may be better suited.

### **4. I own or live in one of the existing residential units in this area. How will the zoning change impact my property?**

The zoning change will not affect existing residential units. However, please note that there may be some restrictions on expansion of a first floor residential unit that is located along a street. Most downtown zoning districts including the proposed C9G district limit certain uses including residential, parking and storage to not more than 50% of the frontage along a public street. This would be evaluated on an individual basis by a DNS Plan Examiner if a property owner proposed a future addition, expansion or significant modification of a first floor residential use.

### **5. I own or rent one of the commercial properties or vacant land in the area. How will the zoning change impact my property?**

For most existing or potential future uses, there will be absolutely no impact on you, other than what your zoning district designation is called. This is true for a restaurant, an office, a health club, or a retail store, to name a few – these uses are permitted in both the existing IM and proposed C9G zoning districts.

If the zoning is changed to C9G, newly proposed or expanded parking lots would need a Special Use approval from the Board of Zoning Appeals (BOZA), and structured parking does have some limitation related to design along the street frontage.

### **6. What uses are allowed within the C9G zoning district?**

The uses allowed in the C9G District are generally very similar to the uses that are allowed in the IM District. This include residential units, both apartments and condos, restaurants, offices, health clubs, and retail stores. Assembly Halls are permitted in the C9G zoning district, while requiring a Special Use approval from the Board of Zoning Appeals to operate in the IM district.

Theaters are currently permitted in the C9G district. However, a separate ordinance has been introduced by the Common Council that would change theaters to a “Limited Use” in the C9G district, requiring a Special Use approval from the Board of Zoning Appeals if their capacity exceeds 2,000 persons. This proposed ordinance is Common Council File Number 211537 and will also be considered at the March 7<sup>th</sup> CPC meeting.

**7. What are the most significant differences between the current zoning (IM) and proposed zoning (C9G)?**

- C9G has no parking requirements. The IM district does include a relatively low minimum parking requirement, including options for developers to meet the requirements by providing parking in off-site lots, shared parking and other methods. The C9G district has no parking requirements, consistent with the majority of downtown zoning districts including the other portions of the Third Ward.
- C9G includes some additional limits on industrial uses. Both the IM and C9G districts reflect the transitioning of neighborhoods from a more manufacturing, industrial and storage type area, to an area that is becoming more mixed use, more residential, and more commercial. IM has no size limits on light manufacturing uses; in the C9G zoning district, a light manufacturing use larger than 3,600 sq. ft. would need a Special Use approval from the Board of Zoning Appeals.
- Design standards are very similar. The maximum height limit in the IM district for a non-industrial building is 75 feet. The C9G does not have a set maximum height, but uses a floor area ratio to set the maximum density for a building. Building scale in the Third Ward is also addressed through the Third Ward Design Guidelines which are enforced by the Historic Third Ward Architectural Review Board. The C9G zoning and ARB guidelines would generally limit heights to the 7 or 8 stories range. First floor glazing (storefronts) requirements and restriction on overhead garage doors for townhouses facing the street remain the same.

**8. What happens if my use is currently allowed but isn't under the proposed zoning?**

Your use will have legal non-conforming status *provided you have an occupancy permit for the use on file with the Dept. of Neighborhood Services (DNS)*. This allows you to continue to use the property, but there may be some restrictions on the ability to make changes to the use such as intensification or expansion of the use. Board of Zoning Appeals approval might be required if you propose to make changes to the use or expand a legal non-conforming use.

If your use is currently permitted but will become legal non-conforming (not permitted or a special use), you'll first want to see whether there is an occupancy permit on file for your site/business. Contact DNS Permit and Development Center: [DevelopmentCenterInfo@milwaukee.gov](mailto:DevelopmentCenterInfo@milwaukee.gov) or 414.286.8210.

**9. What impact will this proposed zoning change have on the concert venue being proposed for land owned by Milwaukee World Festivals within this area?**

On December 10<sup>th</sup>, 2021, Frank Productions filed an application with the Historic Third Ward Architectural Review Board to construct a concert venue on privately owned land owned by Milwaukee World Festivals, in the vicinity of East Summerfest Place and North Jackson Street. The current proposed zoning change would change the zoning of that site from Industrial Mixed – IM to Downtown C9G. Under State Statutes, once an application for a development requiring multiple approvals has been submitted for its first approval, that development shall be reviewed under the existing zoning requirements that were in place at the time the application was filed unless the developer and City both agree otherwise. Therefore, the existing pending application filed by Frank Productions is likely to be evaluated under the IM zoning requirements that were in place for this site at the time the application was filed.

A concert venue is classified as a theater in the zoning code, and theaters are a permitted use in both the IM and C9G zoning districts. A separate ordinance has been introduced by the Common Council that

would change theaters to a “Limited Use” in the C9G zoning district, requiring a special use approval from the Board of Zoning Appeals if their capacity exceeds 2,000 persons. This ordinance is Common Council File Number 211537 and will also be considered at the March 7<sup>th</sup> CPC meeting.

**10. What impact will this proposed zoning change have on the land owned by the City of Milwaukee that is currently leased to Milwaukee World Festivals and utilized as parking for the Summerfest Grounds?**

The lands owned by the City of Milwaukee and under control of the Board of Harbor Commissioners that include the Summerfest grounds and adjacent parking lots are zoned Park – PK. The zoning and allowable use of those properties would not be impacted by this zoning change.

**11. Is this zoning change aligned with the recommendations of the Third Ward Area Plan?**

The proposed rezoning to C9G aligns with the goals of the Third Ward Area Plan, as the former industrial area has nearly fully transitioned to being a mixed-use neighborhood, consistent with the vision of the Plan. The Third Ward Plan calls for the qualities and characteristics that made the historic district so successful to continue to extend to this formerly industrial portion of the Third Ward. The Plan specifies that industrial expansion and new industrial uses should be discouraged, but that any existing industrial operations should be allowed to continue in their current footprint. A change from IM to C9G zoning is aligned with these goals and the C9G zoning district would facilitate the land uses called for in the Third Ward Area Plan.

**12. What is the anticipated timeline for this zoning change process?**

- 1/18/22: The proposed zoning change (File No. 211529) was introduced by the Common Council.
- 3/7/22: City Plan Commission (CPC) – a public hearing will be held for this zoning change file. The meeting begins at 1:30 pm and the hearing for this item has been set for 1:45 pm. The meeting will be virtual. Hearing notices were mailed on 2/23 to all addresses within 200 feet of the zoning change boundary.
- 4/12/22: Zoning, Neighborhoods and Development Committee (ZND) – a second public hearing will be held for this file. The meeting begins at 9:00 am and likely will be a hybrid format with an option to appear in-person (City Hall, Room 301-B) or online. This meeting is staffed by the City Clerk’s Office and meeting details will be determined by the Clerk’s Office closer to the meeting date if this item is scheduled for a 4/12 hearing. A notice of the hearing will be mailed to all property owners within 200 feet of the zoning change boundary.
- 4/19/22: Common Council – if the Zoning and Neighborhoods Committee takes an action on this item at its 4/12 meeting, the item would be sent to the full Common Council at the 4/19 meeting.

**13. What opportunities do I have to participate in this process?**

- You can provide written comments in advance of either public meeting:

Leave a comment online through Sunday, March 6<sup>th</sup> (the day prior to the CPC hearing):

1. Go to this site: <https://tinyurl.com/March-7-CPC>

2. Once on the page, click on the “comment” link at the top of the page. A new page will open.
  3. Scroll down to Item 5 – file number 211529 and click on the “comment” button.
  4. Fill in the required information, select a position and type a comment in the comment box.
  5. Hit “submit.”
- Additional options will be available after the 3/7 City Plan Commission meeting, prior to the 4/12 Zoning, Neighborhoods and Development Committee meeting. It is anticipated that the online comment option will be available once the meeting agenda is published. Check the Legistar Calendar page for meeting details closer to that meeting date:  
<https://milwaukee.legistar.com/Calendar.aspx>.
  - Attend one or both of the public hearings:
    - City Plan Commission (virtual meeting). Register for the March 7<sup>th</sup> meeting on the CPC website: <https://city.milwaukee.gov/CPC>
    - Zoning, Neighborhoods and Development Committee: It is anticipated this item will be on the April 12<sup>th</sup> meeting agenda.

#### **14. How specifically can I participate during the meetings or ask additional questions?**

Please email [CityPlanCommission@milwaukee.gov](mailto:CityPlanCommission@milwaukee.gov) with any questions about this item.

- 3/7 City Plan Commission meeting:  
  
Attend virtually via GoToWebinar – registration link will be posted on the CPC website about a week in advance of the meeting: <https://city.milwaukee.gov/CPC>. During the public hearing, use the “raise hand” feature to let staff know that you’d like to speak. You will then be unmuted when it’s your turn to speak.
- 4/12 Zoning, Neighborhoods and Development Committee meeting:  
  
Online comment feature is anticipated to be available at the time the meeting agenda is posted. See the “Meeting Details” page, once available, for the 4/12 ZND meeting on this page:  
<https://milwaukee.legistar.com/Calendar.aspx>  
  
Limited in-person participation may be available, but contact the City Clerk’s Office to confirm this closer to the meeting date: 414.286.2221.