



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

Lafayette L. Crump
Commissioner

Vanessa L. Koster
Deputy Commissioner

CITY PLAN COMMISSION ZONING REPORT

Ordinance File No. [211435](#)

Proposal:

An ordinance relating to zoning regulations for water treatment plants in industrial zoning districts. This ordinance changes the use classification of water treatment plants in various industrial zoning districts from permitted use to special use.

Proposed Substitute A was drafted after the file was introduced, and created a new definition for industrial wastewater treatment facility. Under the initial ordinance, this was going to be part of the existing use defined as water treatment plant.

Upon further discussion by the Zoning Code Technical Committee, staff recommended Proposed Substitute B to incorporate additional changes and further clarify the intent of this text change.

Proposed Substitute B is a substitute ordinance relating to zoning regulations for industrial wastewater treatment facilities. This Proposed Substitute B defines the term “industrial wastewater treatment facility” for zoning purposes. It further provides that this land use shall be a prohibited use in all zoning districts except the industrial-light (IL) and industrial-heavy (IH) districts, where it shall be classified as a special use. In addition, the ordinance provides that whenever an industrial wastewater treatment facility is classified as a special use, no special use permit for the facility shall be granted by the board unless the board finds that the proposed use will not be located within 500 feet of a single-family or 2-family residential zoning district.

Industrial Wastewater Treatment Facility is defined as a facility engaged in the treatment of wastewater or other liquids or fluids produced as an undesirable or unwanted by-product of another industry or industries located off-site. After treatment, the treated wastewater, liquids or fluids may be reused or released to a sanitary sewer or to a surface water body in the environment.

This use will be prohibited in all of the residential, commercial, and downtown zoning districts as well as the Industrial Office, Industrial Commercial and Industrial Mixed districts. This use will be a Special Use in the Industrial Light and Industrial Heavy districts.

Zoning Code

Technical Committee: The Zoning Code Technical Committee held a meeting on April 6, 2022. Members stated that no special use permit should be granted to a facility unless the proposed use was not located within 500 feet of a residential zoning district and encouraged possible consideration that perhaps the facility be a prohibited use in the industrial-mixed (IM) district. It was determined that the proposed ordinance met the standards of administrative efficiency and consistency with the format of the zoning code and that further research was required to ensure that the proposed ordinance met the criterion of legality and enforceability. Proposed Substitute B has since been drafted to incorporate these comments and is referenced in the above section of this report.

Recommendation: Since the proposed text change will regulate a use that has external impacts on surrounding areas, staff suggests that the City Plan Commission recommends approval of Proposed Substitute B conditioned on a finding by the Office of the City Attorney that the ordinance meets the criterion relating to legality.