



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.** [230097](#)

**Proposal:**

This file relates to zoning regulations for tobacco or e-cigarette retailers. The zoning code currently includes tobacco retailers in the “Retail Establishments, General” use classification. This text change defines “Tobacco Retailers” separately, and creates regulations for the new use.

On February 7, 2023, the Common Council adopted CC File No. 221499, placing a moratorium on the issuance of occupancy certificates for establishments that sell electronic smoking devices or electronic smoking device paraphernalia. The moratorium was intended to provide the Common Council time to analyze the impact of such land uses, and DCD Planning was asked to explore potential zoning code adjustments to regulate the impacts of tobacco related retail uses.

The research conducted by DCD Planning staff demonstrates the rationale for regulating retailers focusing on the sale and advertisement of tobacco and e-cigarette products, finding that these land uses have unique land use impacts. As such, Tobacco Retailers is proposed to be defined as follows:

- An establishment in which 10 percent or more of the gross public floor area or 10 percent of stock in trade consists of cigarettes, tobacco products, or e-cigarette products.

These research findings also suggest that tobacco retailers have the greatest public health impacts when located near youth-oriented land uses and within close proximity to other tobacco retailers. To mitigate these impacts, a set of Limited Use Standards are proposed:

1. The tobacco or e-cigarette retailer shall not be within 1,000 feet of an elementary or secondary school, library, day care center, park or playground. If this standard is not met, the use is prohibited.
2. The tobacco or e-cigarette retailer shall not be within 500 feet of a premises holding a cigarette and tobacco license. If this standard is not met, a special use permit is required.

Tobacco Retailers are proposed to be classified as a Limited Use in all commercial districts, all downtown districts, and the Industrial Mixed district, and a Prohibited Use in all residential districts, all other industrial districts, parks district, and institutional district.

**Zoning Code**

**Technical Committee:** The Zoning Code Technical Committee met on May 23, 2023 and reviewed this item (specifically, Proposed Substitute A). It determined that the file met the criteria with respect to legality and enforceability, administrative efficiency, and consistency with the format of the zoning code.

**Staff**

**Recommendation:** Since the proposed text change to regulate tobacco or e-cigarette retailers has been found to meet the Zoning Code Technical Committee criteria and will advance the zoning code's goals of protecting the public's health, safety and welfare, staff suggests that the City Plan Commission recommends approval of Proposed Substitute A.