



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

CITY PLAN COMMISSION ZONING REPORT

Ordinance File No. [230101](#)

Proposal:

This file relates to regulations for restaurants with drive-through facility, restaurants without drive-through facility, and accommodation and food service uses.

A Substitute Ordinance was drafted that made technical edits based on feedback from the Zoning Code Technical Committee, and this staff report reflects the language in that substitute.

The Substitute Ordinance adds food truck parks and restaurant collectives to the zoning code definition of “restaurant without drive-through facility” to clarify occupancy permit requirements for these types of businesses. This ordinance also defines a “restaurant food truck park.” The proposed changes to the definition are as follows:

Part 2. Section 295-201-501 of the code is amended to read:

295-201. Definitions.

501. RESTAURANT WITHOUT DRIVE-THROUGH FACILITY means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles. >>This definition shall include a restaurant food truck park as defined in 295-201-502, or a building that hosts two or more licensed food dealers offering meals for on-site pick-up or consumption that share common kitchen facilities.<<

Part 3. Section 295-201-502 of the code is created to read:

502. RESTAURANT FOOD TRUCK PARK means a permanent, principal use of a parcel where one or more food peddler vehicles, as defined in s. 68-1-24, also known as food trucks, vendor carts, or other similar mobile operations, serve food to the general public on a continuous or seasonal basis. The facility includes paving at truck operational and customer access areas, permanent electrical facilities, and restroom facilities. This definition does not include occasional or temporary parking and serving from mobile food peddler vehicles on parcels with established principal uses, including, but not limited to uses such as office or manufacturing premises, community serving uses, educational uses, or at live

entertainment special events, where food peddler vehicles would be considered accessory uses to the principal use.

Part 4. Section 295-203-9-g of the code is amended to read:

295-203. Use Definitions.

9. ACCOMMODATION AND FOOD SERVICE USES.

g. "Restaurant without drive-through facility" means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles. >>This definition shall include a restaurant food truck park as defined in 295-201-502, or a building that hosts two or more licensed food dealers offering meals for on-site pick-up or consumption that share common kitchen facilities.<<

A separate file relating to food peddler vehicles has also been introduced (File No. [220413](#)), and proposes to update other sections of the Milwaukee Code of Ordinances to help better regulate food truck operations. File No. 220413 seeks to create an equitable and uniform set of standards for the operations of food trucks citywide, and creates several new regulating provisions that fall outside of Ch. 295 (the zoning code).

Zoning Code

Technical Committee: The Zoning Code Technical Committee met on May 23, 2023 and reviewed this item. It determined that the file met the criteria with respect to legality and enforceability. The committee determined that minor changes need to be made for the item to meet the criteria of administrative efficiency and consistency with the format of the zoning code. Since that meeting, a Proposed Substitute has been drafted that made technical edits based on feedback from the committee.

Staff

Recommendation: Since the proposed changes to Ch. 295 (the zoning code) relating to the definitions of a restaurant without drive-through facility and accommodations and food service uses will clarify how food peddler vehicles on private property are defined from a zoning standpoint, and this change to the zoning code is one part of several updates to other sections of the Milwaukee Code of Ordinances to further establish an equitable and uniform set of standards for the operation of food trucks citywide, staff suggests that the City Plan Commission recommends approval of the Proposed Substitute that incorporates the feedback of the Zoning Code Technical Committee (as reflected above).