



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes

### ZONING CODE TECHNICAL COMMITTEE

**TEODROS MEDHIN, CHAIR**

*Julie Wilson, Ed Richardson, and Archie Blunt*

*Staff Assistant, Chris Lee, 286-2232*

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*Legislative Liaison, Ted Medhin, 286-8680*

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Tuesday, May 23, 2023

2:00 PM

Room 301-B, City Hall

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This will also be a virtual meeting conducted via GoToMeeting. Should you wish to join this meeting from your phone, tablet, or computer you may go to <https://meet.goto.com/519640989>. You can also dial in using your phone United States: +1 (224) 501-3412 and Access Code: 519-640-989.

Meeting convened at 2:03 p.m.

**Present** 4 - Medhin, Richardson, Wilson and Blunt

1. [230097](#) An ordinance relating to zoning regulations for tobacco or e-cigarette retailers.

**Sponsors:** Ald. Brostoff, Ald. Dimitrijevic, Ald. Murphy and Ald. Westmoreland

*Appearing:*

*Ald. Jonathan Brostoff, 3rd Ald. Dist.*

*Gunner Raasch, Legislative Reference Bureau*

*Ald. Brostoff commented. The genesis of the proposed ordinance stemmed from State law preempting the regulation of tobacco or e-cigarette retailers for municipalities, the proliferation of electronic smoking product or vape stores targeting children within the City, and the harmful impacts resulting from use of those products. There was established a moratorium on issuing certificates of occupancy for new establishments selling electronic smoking devices or electronic smoking device paraphernalia. The moratorium was expiring soon. The moratorium allowed for the development of regulations, via the proposed ordinance, to address establishments selling electronic smoking devices. The proposed regulations considered various aspects such as concentration and location.*

*Member Richardson commented. The proposed ordinance would define "tobacco or e-cigarette retailer" as 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. A tobacco or e-cigarette retailer would be prohibited in all residential districts, all other industrial districts not IM, parks district, and institutional district. Such a retailer would be prohibited within 1,000 feet of an elementary or secondary school, library, day care center, park or playground. If standards were not met, a special use would be required from the Board of Zoning Appeals.*

*Chair Medhin inquired about the Proposed Substitute A version compared to the original.*

*Mr. Raasch said that the proposed substitute removed the provision that a tobacco or e-cigarette retailer be within 500 feet of a premise holding a cigarette and tobacco license. A more comprehensive list could not be allowed.*

*Member Richardson moved that Proposed Substitute A version of the proposed ordinance meets the standards of legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. There was no objection.*

2. [230101](#)

An ordinance relating to regulations for food peddler vehicle parks and restaurant collectives.

**Sponsors:** Ald. Brostoff and Ald. Zamarripa

**Appearing:**

*Ald. Jonathan Brostoff, 3rd Ald. Dist.*

*Tea Norfolk, Legislative Reference Bureau*

*Jeff Zagar, Dept. of Neighborhood Services*

*Ald. Brostoff commented. The intent of the proposed ordinance was to give guidance to food truck parks going forward. There was community feedback from the food truck park creators that the process to legitimize there businesses was too complicated and unclear. These businesses had asked for formal guidance. This proposed ordinance is separate and companion to other food truck legislation. There was understanding that more revisions needed to be made to the proposed ordinance, and feedback on revisions would be welcomed.*

*Member Richardson commented. The proposed ordinance would add food peddler vehicle parks and restaurant collectives to the zoning code definition of "restaurant without drive-through facility". The definition would include a private property that hosts one or more food peddler vehicles or a building that hosts two or more licensed food dealers that share a common kitchen. There was concern that the food peddler vehicle portion of the definition would have unintentional negative impacts on food peddlers, such as ice cream trucks, given the zoning regulations of a restaurant being prohibited in residential zoning districts. This portion of the definition would need to be reworked.*

*Ald. Brostoff questioned the common kitchen portion of the definition.*

*Mr. Zagar added that the second part of the definition pertaining to the sharing of a common kitchen would provide clarity for food hall operations and multiple operators. Multiple food vendors at like stadiums would typically be self contained and accessory to the overall use.*

*Ms. Norfolk said that the definition was tied to the land not the vehicle, and she questioned how to go about revising the proposed ordinance further.*

*Ald. Brostoff said that perhaps a new category may need to be created for food vehicle peddler parks.*

*Member Richardson said that all relevant parties would need to brainstorm together to*

*amend the proposed ordinance relative to the food vehicle peddler park portion.*

*Member Richardson moved that the proposed ordinance meets the standards of legality and enforceability and, subject to further revisions to address concerns raised by the committee, the proposed ordinance meets the standards of administrative efficiency and consistency with the format of the zoning code. There was no objection.*

**Meeting adjourned at 2:26 p.m.**

**Chris Lee, Staff Assistant  
Council Records Section  
City Clerk's Office**