



Legislation Details (With Text)

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Title:	A substitute ordinance relating to regulations for restaurants with drive-through facility, restaurants without drive-through facility, and accommodation and food service uses.		
Sponsors:	ALD. BROSTOFF, ALD. ZAMARRIPA		
Indexes:	FOOD DEALERS, RESTAURANTS		
Attachments:	1. Zoning Code Technical Committee Letter, 2. CPC Staff Report, 3. City Plan Commission Letter, 4. DCD PowerPoint, 5. Hearing Notice List, 6. Notice published 5-19 and 5-26-23, 7. Legal and Enforceable, 8. Notice published 7/7/2023		

Date	Ver.	Action By	Action	Result	Tally
5/9/2023	0	COMMON COUNCIL	ASSIGNED TO		
5/10/2023	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
5/12/2023	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
5/19/2023	0	CITY CLERK	PUBLISHED		
6/5/2023	0	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	6:0
6/13/2023	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	5:0
6/13/2023	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/20/2023	1	COMMON COUNCIL	PASSED	Pass	14:0
6/28/2023	1	MAYOR	SIGNED		
7/7/2023	1	CITY CLERK	PUBLISHED		

230101
SUBSTITUTE 1

ALD. BROSTOFF AND ZAMARRIPA

A substitute ordinance relating to regulations for restaurants with drive-through facility, restaurants without drive-through facility, and accommodation and food service uses.

200-42-3-a-0 am

200-42-3-b-0 am

295-201-501 am

295-201-502 cr

295-203-9-g am

This 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 Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-42-3-a-0 and b-0 of the code is amended to read:

200-42. Certificate of Occupancy.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school, or a daycare or a rooming house, or a tavern, ~~[[fast food/carryout restaurant]]~~ >>or a restaurant with drive-through facility,<< as defined under ~~[[s. s. 295-201-499]]~~>>s. 295-201-499,<< or a ~~[[sit-down restaurant]]~~ >>restaurant without drive-through facility<<, as defined under s. 295-201-501, or where otherwise requested, the commissioner shall issue a certificate of occupancy:

b. Unless otherwise required by law, in the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, a daycare, a rooming house, a tavern, ~~[[fast food/carryout restaurant as defined under s. 295-201-499]]~~ >>a restaurant with drive-through facility, as defined under s. 295-201-499,<< or a ~~[[sit-down restaurant]]~~ >>restaurant without drive-through facility<<, as defined under s. 295-201-501, or if otherwise requested, the commissioner of city development shall issue a certificate of occupancy indicating conformance with the use requirements set forth in ch. 295 and:

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.<<

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB 178136-2
Tea B. Norfolk
5/30/2023