



Wauwatosa, WI

Plan Commission

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Monday, July 7, 2025

6:00 PM

Common Council Chambers and Zoom:
<https://servetosa.zoom.us/j/83599194279>,
Meeting ID: 835 9919 4279

Regular Meeting

HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Consideration of a proposed ordinance to amend various sections of Title 24 (Zoning) to regulate locations of cigarette, tobacco and electronic vaping device sales businesses [25-0913](#)
2. Consideration of establishing a public participation plan for the Milwaukee County Research Park Master Plan [25-1092](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Staff Report

File #: 25-0913

Agenda Date: 7/7/2025

Agenda #: 1.

Consideration of a proposed ordinance to amend various sections of Title 24 (Zoning) to regulate locations of cigarette, tobacco and electronic vaping device sales businesses

Submitted by:

Art Pinon

Department:

Development

A. Background/Options

This is a request from Alderperson Robin Brannin for a text amendment to the City's zoning ordinance to regulate the location of cigarette, cigar, tobacco, vape, and e-cigarette (CCTVE) related retail establishments.

The amendment was presented to the Community Affairs Committee on May 13, 2025, where a decision was made to initiate the formal amendment process.

The proposed amendment includes:

- Revisions to the definition of "Cigarette, Cigar, and Tobacco Shops" to also include retailers of vape products, e-cigarettes, and THC/cannabis smoking products.
- Lowering the threshold for what constitutes ancillary sales of tobacco and vape products from 25% to 10% of total retail floor space.
- Prohibiting CCTVE retailers from operating in the C1 and C2 commercial zoning districts.
- Allowing CCTVE retailers in the M1 and M2 industrial zones only, and with the approval of a Conditional Use Permit (CUP).
- Prohibiting CCTVE retailers from locating within 1,000 feet of a daycare, K-12 school (public or private), or public park.
- Requiring a minimum distance of one mile between CCTVE establishments.
- And requiring applicants for a CUP to submit a detailed signage plan for review as part of the Conditional Use Permit approval process.

Alderperson Brannin's memo and the proposed ordinance are attached. This ordinance is being proposed in response to growing public health concerns associated with CCTVE reratilers to youth-oriented facilities. Similar regulations have been adopted by the City of Milwaukee and the City of Madison.

The required public hearing was held at the June 24, 2025 Common Council meeting with no one appearing to speak in favor or opposition. The Council meeting video is attached.

The item will go before the Common Council on July 22, 2025 for the final decision.

B. Staff Comments

Planning/Zoning Division

No comments.

Building Division

No comments.

City Assessor's Office

No concerns.

City Clerk's Office

No comments.

Public Works Department

No comments.

Engineering Division

No comments.

Fire Department

No issue.

Health Department

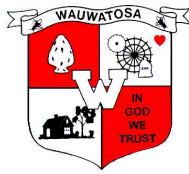
No comments.

Police Department

No comments.

C. Recommendation

Staff recommends adoption of the proposed code changes.



ALDERPERSON AGENDA ITEM MEMO

To: Community Affairs Committee

From: Robin Brannin, District 3 Alderperson

Date: April 21, 2025

Subject: Zoning Changes Regarding Cigarette, Cigar, Tobacco, Vape, and E-Cigarette (CCTVE) retailers

A. Background/Rationale

I am recommending changes to Wauwatosa's zoning ordinances to address increasing concerns around the presence and impact of Cigarette, Cigar, Tobacco, Vape, and E-Cigarette (CCTVE) retailers in our community. Research consistently shows that these establishments, when located near residential and youth-oriented areas, contribute to public health risks, youth initiation, and neighborhood decline.

Youth Exposure & Initiation:

Multiple health organizations, including the [CDC](#), have linked the proximity of tobacco and e-cigarette retailers to increased smoking and vaping among youth. A JAMA Pediatrics study found that adolescents living in areas with a higher density of vape shops were more likely to use e-cigarettes. Easy access to flavored products and visibility of these shops near schools, parks, and community gathering spaces increase the risk of experimentation and long-term nicotine use. Further, a study in Tobacco Control confirmed that youth are more likely to initiate vaping when they see it normalized by peers or adults in public, especially near places they frequent.

Health Risks of Smoking and Vaping:

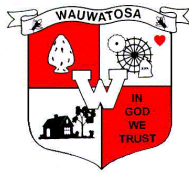
While often marketed as safer alternatives, e-cigarettes carry health risks including respiratory and cardiovascular problems. The CDC warns that nicotine exposure in youth interferes with brain development and can lead to addiction. Studies show that when tobacco retailers are located near homes, impulse purchases and habitual use increase—undermining efforts to reduce nicotine dependence and creating avoidable public health burdens.

Zoning Precedents from Other Municipalities:

Other cities have recognized these risks and taken action. In 2023, the [City of Milwaukee adopted restrictions](#) preventing new smoke or vape shops within 1,000 feet of schools and within 500 feet of similar retailers. The [City of Madison has adopted similar rules](#), banning tobacco retailers within 1,000 feet of schools, parks, libraries, health facilities, and youth centers. These policies serve as a model for how local zoning can support public health while maintaining balanced commercial development.

Signage and Advertising Exposure:

The [American Academy of Pediatrics highlights](#) that in-store advertising at a child's eye level increases youth exposure to harmful products. Requiring CCTVE retailers to submit sign plans for review and limiting youth-facing marketing can help reduce normalization of smoking and vaping behaviors among minors.



ALDERPERSON AGENDA ITEM MEMO

These proposed ordinance changes aim to proactively protect Wauwatosa's neighborhoods and families by restricting where CCTVE retailers can operate, reducing their visibility to youth, and aligning local policy with best practices in public health and zoning.

B. Key Issues for Consideration

The proposed ordinance changes include the following elements:

- **Revised Definitions:** Expands the definition of Cigarette, Cigar, and Tobacco shops to include vape, e-cigarette, and THC/cannabis smoking products.
- **Reduced Retail Threshold:** Lowers the threshold for ancillary tobacco/vape product sales from 25% to 10% of total retail floor space.
- **Zoning Restrictions:**
 - Prohibits CCTVE retailers in C1 and C2 commercial zones.
 - Permits CCTVE retailers only in M1 and M2 industrial zones, with approval of a Conditional Use Permit (CUP).
- **Distance Requirements:**
 - Prohibits CCTVE retailers from locating within 1,000 feet of a daycare, school (public or private, K–12), or public park.
 - Prohibits CCTVE retailers from operating within 1 mile of another such establishment.
- **Signage Oversight:** Requires CUP applicants to submit a signage plan for review as part of the application process.

A preliminary map is attached showing 1,000-foot buffers around schools, parks, and daycares to illustrate where these businesses would be restricted.

C. Fiscal Impact

There is no immediate or direct fiscal impact from the proposed ordinance changes. Potential long-term fiscal benefits may include the preservation of property values and the reduction of public safety and health-related costs associated with youth substance use.

D. Requested Action

Recommend proposed language and initiate zoning code text amendment process.

E. Attachments

Revised Definition_24.08.040 (002) 3.17.25
Revised Land Use Table_24.07.030_03182025
Revisions_24.09_03182025
Thousand-Foot-Buffer-Prohibited

1,000 Foot Buffer

- Buffer Tosa Properties
- Buffer Non-Tosa Properties

24.07.030 Use Table

The following table identifies principal uses allowed in residential, commercial and industrial zoning districts. See Section 24.07.020 for information about how to interpret the use table.

USE CATEGORY	DISTRICTS																					
Use Subcategory (See Chapter 24.08 or Cntrl + click on term for definition)	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
- Specific Use Type (See Ch. 24.08 or Cntrl + click on term for definition)																						
RESIDENTIAL																						
Household Living																						
- Detached House	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	-		-	P	C	-	
- Semi-detached House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-		-	P	C	-	24.09.020
- Two-unit House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-		-	P	C	-	
- Attached House	-	-	-	-	P	P	-	C	-	-	-	-	-	-	-	-		-	P	C	-	24.09.020

- Multi-unit Building	-	-	-	-	P	P	-	P	P	-	-	-	-	-	-	-		-	P	P	-	24.09.070
- Mixed-use Building, Vertical	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
Group Living (except as indicated below)	-	-	-	-	C	C	-	P	C	-	-	-	-	-	C	C		-	C	P	C	
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	C	C		-	P/C	C	-	24.09.010
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	C	C		-	P/C	C	-	24.09.040
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	C	C		-	P	C	-	24.09.060
PUBLIC/CIVIL	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	
Day Care																						
- Home-Based—Up to 8 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C		-	P	P	P	
- More than 8 children or adults	-	-	-	-	-	C	C	C	C	-	-	-	C	-	C	C		-	-	C	C	

Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-	
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-		-	-	P	P	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P		-	-	-	-	
Library/Cultural Exhibit		C	C	C	C	C	P	P	P	-	-	C	C	-	C	C		-	C	P	P		
Park/Recreation/Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C		-	-	-	-		
- Community or Recreation Center	-	C	C	C	C	C	-	C	P	-	-	C	C	C	C	C		-	C	C	P		
- General Recreation Park/Playground	-	C	C	C	C	C	-	-	-	-	-	C	P	C	C	C		-	C	-	-		
- Golf Course (min. 5,000 yards)	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C		-	C	-	-		
- Swimming Pool	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C		-	C	-	-		
- Tennis Court	C	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C		-	C	-	-		
Religious Assembly	C	C	C	C	C	C	-	C	C	-	-	-	-	-	-	C	C		-	C	C	C	

Safety Services	C	C	C	C	C	C	C	C	C	C	C	-	-	P	C	C		-	C	C	C	
School	-	C	C	C	C	C	-	C	-	-	-	C	C	-	C	C		-	C	C	-	
- Charter School	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	
Utilities & Services																						
- Minor	P	P	P	P	P	P	P	P	P	P	P	C	C	P	C	C		-	P	P	P	
- Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		-	C	C	C	
COMMERCIAL	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
Animal Services																						
- Sales & Grooming	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-		-	-	-	-	
- Veterinary	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	

Artist Work or Sales Space	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-		-	-	P	P	
Building Maintenance Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Business Equipment Sales & Service	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
Business Support Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
- Trade/Vocational/Technical School	-	-	-	-	-	-	C	-	P	C	-	-	-	-	-	-		-	-	-	P	
Communication Service Establishments	-	-	-	-	-	-	C	C	P	P	P	-	-	-	-	-		-	-	C	P	
Construction Sales & Service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-		-	-	-	P	
Eating & Drinking Establishments [3]																						
- Restaurant	-	-	-	-	-	-	C	C	C	-	-	-	C	-	-	C		-	-	C	C	
- Bar or Tavern	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-		-	-	C	C	
Entertainment & Spectator Sports (except as indicated below)	-	-	-	-	-	-	-	C	C	-	-	-	-	C	-	-		-	-	C	C	

- Amphitheater	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Aquarium or Planetarium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Auditorium	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
- Stadium and Athletic Fields (accessory to schools only in R districts)	-	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-		-	C	C	-	
Financial Services (except as indicated below)	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-		-	-	P	P	
- Convenient Cash Business	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.050
-Food & Beverage Retail Sales																						
- Grocery Store	-	-	-	-	-	-	-	P	P	C	-	-	-	-	-	-		-	-	P	P	
- Liquor/Wine/Beer Store	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-		-	-	C	C	
- Carry-out Only	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-		-	-	P	P	
Funeral & Interment Services																						

- Cemetery/Columbarium/Mausoleum	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
- Cremating	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-		-	-	-	-	
- Undertaking/Funeral Services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-		-	-	P	P	
Lodging																							
- Bed & Breakfast	-	-	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-		-	C	C	-	24.09.030
- Hotel/Motel	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-		-	-	C	C	
- Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-		-	-	-	-	
Office, Administrative, Professional	-	-	-	-	-	-	P	P	P	C	C	-	-	P	-	P			-	-	P	P	
Office or Clinic, Medical	-	-	-	-	-	-	P	P	P	-	C	-	-	-	C	P			-	-	P	P	
Parking, Non-Accessory	-	-	-	-	-	-	-	C	P	P	P	-	-	P	-	C			C	-	C	P	24.06.080B
Personal Improvement Service	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-			-	-	P	P	

Repair or Laundry Service, Consumer	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	-		-	-	P	P	
Research Service	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P		-	-	P	P	
Retail Sales (except as indicated below)	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-		-	-	P	P	
-Antiques, Resale Shops, Second-hand Merchandise	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	-		-	-	C	C	
Cigarette, Cigar, or Tobacco, Vape, or E-cigarette Store	-	-	-	-	-	-	-	€	€	-C	-C	-	-	-	-	-		-	-	-	€	<u>24.09.120</u>
- Cigarette & Tobacco Product Sales (ancillary)	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-	-		-	-	C	P	
- Large-Format Retail	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-		-	-	-	-	24.09.090
Sports & Recreation, Participant																						
- Indoor	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	C		-	-	C	C	24.09.030
- Outdoor	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	C		-	-	C	C	
Vehicle Sales & Service																						

- Auto Wash/Cleaning Service	-	-	-	-	-	-	-	-	C	P	P	-	-	C	-	-		-	-	-	-	7.46.120
- Auto Fueling Station	-	-	-	-	-	-	-	-	C	P	P	-	-	C	-	-		-	-	-	C	
- Heavy Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
- Light Vehicles and Equipment, Sales/Rentals	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	6.72
- Motor Vehicle Repair, Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	C	-	-		-	-	-	-	
- Motor Vehicle Repair, General	-	-	-	-	-	-	-	-	P	P	P	-	-	C	-	-		-	-	-	-	
- Vehicle Storage & Towing	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-		-	-	-	-	
INDUSTRIAL	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
Manufacturing & Industrial Services, Artisan	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-		-	-	P	P	
Manufacturing & Industrial Services, Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
Manufacturing & Industrial Services, General	-	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-		-	-	-	-	

Manufacturing & Industrial Services, Intensive	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-		-	-	-	-	
-Recycling Service																						
- Limited	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-		-	-	-	P	
- General	-	-	-	-	-	-	-	-	-	-	P	-	-	C	-	-		-	-	-	-	
Residential Storage Warehouses	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-		-	-	-	-	
-Warehousing, Wholesaling & Freight Movement																						
- Limited	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-		-	-	-	-	
- General	-	-	-	-	-	-	-	-	-	C	P	-	-	C	-	-		-	-	-	-	
Waste-Related Use	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-		-	-	-	-	
AGRICULTURAL	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
Apiary	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-		-	-	-	-	

Community Garden	P	P	P	P	P	P	P	P	P	P	P	C	C	P	C	C		-	P	P	P	
Farmer's Market	C	C	C	C	C	C	C	P	P	P	P	-	C	P	C	C		-	C	P	P	
Nurseries & Greenhouses	-	-	C	-	-	-	-	-	P	P	-	C	C	C	C	C		-	-	-	P	
MISCELLANEOUS	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO[5]	C1[5]	C2[5]	M1[5]	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG	MID-RES	MID-TRN	MID-MIX	USE REGULATIONS
Wireless Communication Facilities																						
- Co-located	[2]	[2]	[2]	[2]	[2]	[2]	[2]	P	P	P	P	-	-	P	-	-		-	[2]	P	-	24.09.110
- Freestanding	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	C	C	-	-	C	-	-		-	[2]	[2]	[2]	24.09.110
Drive-through Facilities or Drive-in Facilities	-	-	-	-	-	-	C	C[4]	C[4]	C	C	-	-	-	-	-		-	-	-	-	24.11.100
Helipad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		-	-	-	-	

[1] See Section 24.06.070 for a list of permitted and conditional uses in the SP-RP district.

[2] See Section 24.09.110 for additional regulations.

[3] See Section 24.05.020 C.2. In a regional mall, no Conditional Use is required for establishments with no separate entrance or seating.

[4] See Section 24.05.030 B.7. Drive-through or drive-in facilities are prohibited in /NOR overlay. See Section 24.05.020 D for additional /MAY Overlay drive-through or drive-in regulations.

[5] See Subsection 24.03.040 I and 24.04.040 F. - Outdoor storage activities require a Conditional Use.

[6] See Subsection 24.08.040 O.2. "Office or Clinic, Medical" definition.

(Ord. O-13-17, § VI, 11-19-2013; Ord. O-14-08, § I, 3-19-14; Ord. O-14-20, pts. V, VI, 8-5-2014)

24.08.040 USE CLASSIFICATION – Commercial Use Category

T. Retail Sales. Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores and apparel stores.

1. Cigarette, Cigar, ~~or~~ Tobacco, Vape, or E-cigarette Store. Businesses primarily involved in the sale of cigarettes, cigars, tobacco products, vaping products, or smoking material or equipment. This includes products or materials intended to vape or smoke tetrahydrocannabinols or synthetic cannabinoids. This does not include businesses that sell cigarettes, cigars or tobacco products as an ancillary part of an allowed retail use.
2. Cigarette, ~~&~~ Tobacco ~~Product~~, Vape, or E-cigarette Sales (ancillary). Cigarette & tobacco product sales are considered ancillary if such products occupy no more than ~~25%~~10% of the available retail floor space of the premises and if such sales account for no more than ~~25%~~10% of the gross sales receipts of the business.

CHAPTER 24.09 SUPPLEMENTARY USE REGULATIONS

24.09.010 Adult Family Home

24.09.020 Attached And Semi-Attached Houses

24.09.030 Bed And Breakfast

24.09.040 Community Living Arrangements

24.09.050 Convenient Cash Businesses

24.09.060 Foster Home Or Treatment Foster Home

24.09.070 Multi-Unit Building

24.09.080 Community Garden

24.09.090 Large-Format Retail Developments

24.09.100 Sexually Oriented Businesses

24.09.110 Wireless Communication Facilities

24.09.120 Cigarette, Cigar, Tobacco, Vape, or E-cigarette Stores

24.09.120 - Cigarette, Cigar, Tobacco, Vape, or E-cigarette Stores

- A. Purpose: The purpose of this section is to regulate the location and operation of Cigarette, Cigar Tobacco, Vape, or E-cigarette Store within the City of Wauwatosa to minimize potential public health risks, particularly to minors, and to maintain the safety and welfare of the community. This ordinance is designed to ensure that Cigarette, Cigar Tobacco, Vape, or E-cigarette stores are not located in close proximity to sensitive uses such as daycares, schools, and parks, which are frequented by children and young individuals.
- B. Conditional Use Permit: Cigarette, Cigar, Tobacco, Vape, or E-cigarette stores require approval of a Conditional Use Permit where permitted in accordance Table 24.07.030.
- C. Prohibited Location: No Cigarette, Cigar, Tobacco, Vape, or E-cigarette Store shall be located within 1,000 feet of any of the following:
 - a. Daycare centers
 - b. Public or private schools, grades K-12
 - c. Public parks
- D. Concentration: No Cigarette, Cigar Tobacco, Vape, or E-cigarette Store shall be located within 1 mile of another Cigarette, Cigar Tobacco, Vape, or E-cigarette Store.
- E. Measurement: Distance for Sections 24.09.120.C and 24.09.120.D shall be measured in a straight line from the property boundary of the Cigarette, Cigar Tobacco, Vape, or E-cigarette Store to the property boundary of the daycare, school, or park.
- F. Signage Plan: As part of the Conditional Use Permit application process, a sign plan must be submitted for review and approval. The plan shall include:
 - a. The proposed design, size, and location of all signage on the premises.
 - b. Content of the proposed signage, which must comply with City sign regulations and must not include any content that promotes vaping to minors.
 - c. Signage must clearly display age restrictions and any health warnings required by law.
 - d. No signage is allowed within 3 feet of ground level.
 - e. Any other information as required from the Zoning Administrator.



Staff Report

File #: 25-0895

Agenda Date: 7/22/2025

Agenda #:

Ordinance amending Section 24 of the Wauwatosa Municipal Code to regulate locations of cigarette, tobacco and electronic vaping device sales businesses

The Common Council of Wauwatosa do ordain as follows:

Part I. The table in Sec 24.07 of the Wauwatosa Municipal Code of Ordinances is hereby amended by amending the “Cigarette, Cigar, Tobacco” label to read as: “Cigarette, Cigar, Tobacco, Vape, or E-Cigarette Store”, by deleting the designation “C” under categories C1 and C2 and Mid-Mix, by adding the designation “C” under the categories M1 and M2, and adding the reference to “24.09.120” under the “USE REGULATIONS” column.

Part II. Subsection T. within the “Commercial Use Category” section of the Wauwatosa Code Section 24.08.040 is hereby amended in its entirety to read as follows:

(T) Retail Sales. Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores and apparel stores.

1. Cigarette, Cigar, Tobacco, Vape, or E-cigarette Store. Businesses primarily involved in the sale of cigarettes, cigars, tobacco products, vaping products, or smoking material or equipment. This includes products or materials intended to vape or smoke tetrahydrocannabinols or synthetic cannabinoids. This does not include businesses that sell cigarettes, cigars or tobacco products as an ancillary part of an allowed retail use.

2. Cigarette, Tobacco Product, Vape, or E-cigarette Sales (ancillary). Cigarette & tobacco product sales are considered ancillary if such products occupy no more than 10% of the available retail floor space of the premises and if such sales account for no more than 10% of the gross sales receipts of the business.

Part III. The Wauwatosa Code Section 24.09.120 is hereby amended by creating the following subsection:

24.09.120: Cigarette, Cigar, Tobacco, Vape, or E-cigarette stores:

A. Purpose: The purpose of this section is to regulate the location and operation of Cigarette, Cigar Tobacco, Vape, or E-cigarette Store within the City of Wauwatosa to minimize potential public health risks, particularly to minors, and to maintain the safety and welfare of the community. This ordinance is designed to ensure that Cigarette, Cigar Tobacco, Vape, or E-cigarette stores are not located in close proximity to sensitive uses such as daycares, schools, and parks, which are frequented by children and young individuals.

B. Conditional Use Permit: Cigarette, Cigar, Tobacco, Vape, or E-cigarette stores require approval of a Conditional Use Permit where permitted in accordance Table 24.07.030.

C. Prohibited Location: No Cigarette, Cigar, Tobacco, Vape, or E-cigarette Store shall be located within 1,000 feet of any of the following:

- a. Daycare centers
- b. Public or private schools, grades K-12
- c. Public parks

D. Concentration: No Cigarette, Cigar Tobacco, Vape, or E-cigarette Store shall be located within 1 mile of another Cigarette, Cigar Tobacco, Vape, or E-cigarette Store.

E. Measurement: Distance for Sections 24.09.120.C and 24.09.120.D shall be measured in a straight line from the property boundary of the Cigarette, Cigar Tobacco, Vape, or E-cigarette Store to the property boundary of the daycare, school, or park.

F. Signage Plan: As part of the Conditional Use Permit application process, a sign plan must be submitted for review and approval. The plan shall include:

- a. The proposed design, size, and location of all signage on the premises.
- b. Content of the proposed signage, which must comply with City sign regulations and must not include any content that promotes vaping to minors.
- c. Signage must clearly display age restrictions and any health warnings required by law.
- d. No signage is allowed within 3 feet of ground level.
- e. Any other information as required from the Zoning Administrator.

Part IV. This ordinance shall take effect on and after its date of publication.

By: Choose an item.

Recommendation: Click or tap here to enter text.

NOTICE OF PUBLIC HEARING BEFORE THE WAUWATOSA COMMON COUNCIL

Please take notice that a public hearing will be held by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, on Tuesday, June 24, 2025 at 6:30 P.M. in the Common Council Chambers at City Hall, 7725 W. North Avenue, Wauwatosa, Wisconsin, and via Zoom, at which time the Common Council will consider a proposed ordinance to amend various sections of Title 24 to regulate locations of cigarette, tobacco and electronic vaping device sales businesses.

For additional information or Zoom access information for the meeting, visit the City's meeting portal at www.wauwatosa.net or contact the Development Department at (414) 479-8957. Members of the public may submit written comments via the meeting portal e-comment function. Comments will be accepted up to the start of the meeting. Accessibility accommodations can be requested at (414) 479-8917.

Steven A. Braatz, Jr.
City Clerk

To be published: North NOW, June 4 and June 11, 2025



Staff Report

File #: 25-1092

Agenda Date: 7/7/2025

Agenda #: 2.

Consideration of establishing a public participation plan for the Milwaukee County Research Park Master Plan

Submitted by:

Tammy Szudy

Department:

Development

A. Background/Options

Early this year, the City approved an agreement with Irgens Partners, LLC., to undertake a collaborative master planning effort for the Milwaukee County Research Park with goals of:

- Repositioning the Research Park for long-term viability and property value enhancement.
- Maximizing the tax base and economic development opportunities.
- Enhancing bicycle and pedestrian connections.
- Implementing traffic calming measures.
- Improving beautification and public spaces.
- Increasing diversification of property types and product availability.

As part of the agreement, Irgens contracted with Eppstein Uhen Architects, Inc. to lead this process. Because the consulting contract is not a City contract and the City intends to adopt the plan as part of our comprehensive plan as well as undertake zoning changes and infrastructure improvements, staff is presenting a plan (attached) to establish public participation actions. Public engagement includes, but is not limited, to:

1. Online engagement consisting of a mapping application and/or survey will be available on the City's website
2. Stakeholder interviews.
3. Promotion on the City's website and social media.
4. A public open house to review the draft plan.
5. City meetings consisting of a public hearing, Plan Commission review and recommendation, and Common Council adoption.

B. Recommendation

Staff recommends approval.

City of Wauwatosa

Milwaukee County Research Park Master Plan Public Participation Plan

The City is developing a Master Plan of the Milwaukee County Research Park (Park) in partnership with Irgens Partners, LLC., with the goal of repositioning the Park for long-term viability, enhancing economic development, and improving overall connectivity and aesthetics. The planning area is bounded by Watertown Plank on the north, Interstate 41 on the east, Wisconsin Avenue on the south, and Mayfair Road on the west. Upon completion, the City intends to adopt the Plan as part of its Comprehensive Plan.

Opportunities for public participation and engagement during the development of the Plan include, but are not limited, to the following activities:

1. Online Engagement. A publicly accessible online mapping application and/or survey will be available on the City's website to obtain feedback about issues and opportunities within the planning area.
2. Stakeholder Interviews. The consultant will conduct interviews with stakeholders of the planning area to identify and understand issues and opportunities.
3. Promotion:
 - a. City Website. The City will utilize its website to post draft plan materials, project and meeting dates, and meeting minutes.
 - b. Social Media. Information regarding project meetings and engagement opportunities will be promoted through the City's social media.
4. Project Meetings:
 - a. Public Open House. An open house will be held to share and obtain feedback on the draft plan.
 - b. Plan Adoption.

City meetings that involve agenda items related to the Plan are anticipated to occur in open session and will be noticed according agenda posting practices. In addition, Plan Commission and Common Council meetings will be recorded and comments can be submitted through the meeting portal.

 - i. Public Hearing. At least one public hearing at the Common Council will be held on the Plan as required under Wis. Stat. 66.1001(4). The City will provide written notice about the public hearing pursuant to Wis. Stat. 66.1001(4).
 - ii. Plan Commission. The Plan Commission will make a recommendation regarding Plan adoption.
 - iii. Common Council. The Common Council shall have the authority to adopt the Plan by ordinance pursuant to Wis. Stat. 66.1001(4).
 - c. Other Committee & Commission Meetings. The planning process may include meetings attended by members of other City committees and commissions.