

# CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRED

**INTRO FR FLOOR 9/3/13**  
Plan Commission; Public  
Hearing Dates: PC 9/30/13  
CC 10/15/13

Amending Chapter 28 Zoning Districts – Site Standards to allow outdoor cooking as a permitted or conditional accessory use to a location that prepares food, creating a definition in Sec. 28.211 for outdoor cooking operation and amending Sec. 28.151 of the Madison General Ordinances to create supplemental regulations for outdoor cooking.

Drafted by: Maureen O'Brien

Date: October 10, 2013

SPONSOR: Alders Zellers & Clear

**DRAFTER'S ANALYSIS:** This amendment allows outdoor cooking as a permitted or conditional accessory use to a location that prepares food. As with any allowed use in the zoning code, the activity must comply with all applicable laws and ordinances, including health and fire regulations.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Table 28C-1 of Subsection (1) of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by creating therein the following:

"Residential Districts"																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
<b>Accessory Uses and Structures</b>																
<u>Outdoor cooking operation</u>	P/ C	Y <sup>3</sup>														

Approved as to form:

2. Table 28D-2 of Section 28.061 entitled “Mixed-Use and Commercial Districts Uses” of the Madison General Ordinances is amended creating therein the following:

<b>“Mixed-Use and Commercial Districts</b>							
	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>Supplemental Regulations</b>
<b>Accessory Uses and Structures</b>							
<u>Outdoor cooking operation</u>	P/C	P/C	P/C	P/C	P/C	P/C	Y”

3. Paragraph 4. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.063 entitled “Limited Mixed-Use District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.”

4. Paragraph 4. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.064 entitled “Neighborhood Mixed-Use District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.”

5. Paragraph 4. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.065 entitled “Traditional Shopping Street (TSS) District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor-eating, cooking, and service areas associated with food and beverage establishments.”

6. Paragraph 4. of Subdivision (a) of Subsection (6) entitled “Site Standards: New and Existing Development” of Section 28.066 entitled “Mixed Use Center (MXC) District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor-eating, cooking, and service areas associated with food and beverage establishments.”

7. Paragraph 3. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.067 entitled “Commercial Corridor - Transitional District” of the Madison General Ordinances is amended to read as follows:

“3. Outdoor-eating, cooking, and service areas associated with food and beverage establishments.”

8. Paragraph 3. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.068 entitled “Commercial Center District” of the Madison General Ordinances is amended to read as follows:

“3. Outdoor eating, cooking, and service areas of-associated with food and beverage establishments.”

9. The Table 28E-2 of Subsection (1) of Section 28.072 entitled “Downtown District Uses” of the Madison General Ordinances is amended by creating therein the following:

<b>“Downtown and Urban Districts</b>						
	<b>DC</b>	<b>UOR</b>	<b>UMX</b>	<b>DR1</b>	<b>DR2</b>	<b>Supplemental Regulations</b>
<b>Accessory Uses and Structures</b>						
<u>Outdoor cooking operation</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>Y</u>

10. Paragraph 4. of Subdivision (a) of Subsection (6) entitled “Site Standards: New and Existing Development” of Section 28.074 entitled “Downtown Core District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor-eating, cooking, and service areas associated with food and beverage establishments.”

11. Paragraph 12. of Subdivision (a) of Subsection (4) entitled “Site Standards: New and Existing Development” of Section 28.075 entitled “Urban Office-Residential (UOR) District” of the Madison General Ordinances is created to read as follows:

“12. Outdoor cooking and service areas associated with food and beverage establishments.”

12. Paragraph 4. of Subdivision (a) of Subsection (6) entitled “Site Standards: New and Existing Development” of Section 28.076 entitled “Urban Mixed-Use (UMX) District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor-eating, cooking, and service areas associated with food and beverage establishments.”

13. The Table 28F-1 of Subsection (1) of Section 28.082 entitled “Employment District Uses” of the Madison General Ordinances is amended by creating therein the following:

<b>“Employment Districts</b>							
	<b>TE</b>	<b>SE</b>	<b>SEC</b>	<b>EC</b>	<b>IL</b>	<b>IG</b>	<b>Supplemental Regulations</b>
<b>Accessory Uses and Structures</b>							
<u>Outdoor cooking operation</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>Y</u>

14. Paragraph 4. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.084 entitled “Traditional Employment District” of the Madison General Ordinances is amended to read as follows:

“4. Outdoor eating, cooking, and service areas associated with food and beverage establishments.”

15. Paragraph 8. of Subdivision (a) of Subsection (5) entitled “Site Standards: New and Existing Development” of Section 28.085 entitled “Suburban Employment District” of the Madison General Ordinances is amended to read as follows:

“8. Outdoor eating, cooking, and service areas associated with food and beverage establishments.”

16. Paragraph 5. of Subdivision (d) of Subsection (4) entitled “Site Standards” of Section 28.086 entitled “Suburban Employment Center District” of the Madison General Ordinances is amended to read as follows:

“5. Outdoor eating, cooking, and service area associated with food and beverage establishments.”

17. Paragraph 8. of Subdivision (d) of Subsection (4) entitled “Site Standards” of Section 28.087 entitled “Employment Campus District” of the Madison General Ordinances is amended to read as follows:

“8. Outdoor eating, cooking, and service areas associated with food and beverage establishments.”

18. Paragraph 3. of Subdivision (a) of Subsection (4) entitled “Site Standards: New and Existing Development” of Section 28.088 entitled “Industrial - Limited District” of the Madison General Ordinances is amended to read as follows:

“3. Outdoor eating, cooking, and service areas of ~~associated with~~ food and beverage establishments.”

19. Paragraph 3. of Subdivision (a) of Subsection (4) entitled “Site Standards: New and Existing Development” of Section 28.089 entitled “Industrial - General District” of the Madison General Ordinances is amended to read as follows:

“3. Outdoor eating, cooking, and service areas of ~~associated with~~ food and beverage establishments.”

20. The Table 28G-1 of Subsection (1) of Section 28.091 entitled “Special District Uses” of the Madison General Ordinances is amended by creating therein the following:

	A	UA	CN	PR	AP	Supplemental Regulations
<b>Accessory Uses and Structures</b>						
<u>Outdoor cooking operation</u>	P/C	P/C	P/C	P/C	P/C	Y”

21. Section 28.211 entitled “Definitions” of the Madison General Ordinances is amended by creating herein the following:

“Outdoor Cooking Operation. Outdoor preparation of food, including by grilling or smoking, as an accessory use of a restaurant, grocery store, catering business, or other use that prepares food for consumption by the public.”

22. Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended by creating therein the following:

“Outdoor Cooking Operation.

- (a) An outdoor cooking operation is a permitted use if it is not located within two hundred (200) feet from the property line of a lot with a residential use.
- (b) An outdoor cooking operation located within two hundred (200) feet from the property line of a lot with a residential use may be allowed with conditional use approval.”