



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 60695

File ID: 60695

File Type: Resolution

Status: Unfinished
Business

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

Lead Referral: Mayor's Office

Cost:

File Created Date : 05/27/2020

File Name: Suspending various sections of MGOs to approve new or expanded restaurant sidewalk cafes and outdoor eating areas

Final Action:

Title: Temporarily suspending various sections of Madison General Ordinance sections 9.13, 10.055, Chapter 12 and Chapter 28 to allow staff to approve new or expanded restaurant sidewalk cafes and outdoor eating areas on a temporary basis, to facilitate compliance with applicable health orders including those regarding capacity and physical distancing.

Notes:

Code Sections:

CC Agenda Date: 06/16/2020

Indexes:

Agenda Number: 49.

Sponsors: Satya V. Rhodes-Conway and Michael E. Verveer

Effective Date:

Attachments: Streatery order

Enactment Number:

Author: John Strange

Hearing Date:

Entered by: smautz@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1		Elizabeth York	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/27/2020	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Common Council for Adoption (6/16/20)				
1	COMMON COUNCIL	06/02/2020	Refer to a future Meeting to Adopt	COMMON COUNCIL			Pass

Action Text: A motion was made by Carter, seconded by Abbas, to Refer to a future Meeting to Adopt to the COMMON COUNCIL. The motion passed by voice vote/other.

Notes: Adopt 6/16/2020

1 COMMON COUNCIL 06/16/2020

Text of Legislative File 60695

Fiscal Note

The proposed resolution temporarily suspending various sections of the Madison General Ordinances to allow staff to approve new or expanded restaurant sidewalk cafes and outdoor eating areas on a temporary basis. The fiscal impact will depend on the number of restaurants that seek to add or expand outdoor seating. There will be minor negative fiscal implications from the waiver of application fees associated with zoning, temporary liquor license expansions, and street occupancy permit applications (\$50, \$25 and approximately \$200 per application, respectively). The street vending license fees have already been waived for 2020. Any remaining fiscal impact would come from the monthly fee associated with taking over a parking area through a street occupancy permit, if a café expands into the roadway.

Title

Temporarily suspending various sections of Madison General Ordinance sections 9.13, 10.055, Chapter 12 and Chapter 28 to allow staff to approve new or expanded restaurant sidewalk cafes and outdoor eating areas on a temporary basis, to facilitate compliance with applicable health orders including those regarding capacity and physical distancing.

Body

WHEREAS, on March 17, 2020, Public Health Madison & Dane County announced that community spread of COVID-19 was occurring in Dane County, with the first confirmed community death being reported on March 25; and,

WHEREAS, on March 23, 2020, Mayor Rhodes-Conway issued a Proclamation of Emergency due to COVID-19, which Proclamation was ratified by the Common Council on March 31, 2020 by RES-20-00286 and will continue to be in effect until June 2, 2020; and,

WHEREAS, under the City's emergency proclamation, the Mayor may, after consultation with the City Attorney, issue orders to suspend the operation of, amend, create, or adopt city policies or ordinances, and suspend enforcement actions, that are not in conflict with existing state or federal laws, in order to mitigate the effects of the coronavirus pandemic on city workers, residents of, and businesses within the City of Madison, including the power to take such actions as are appropriate to protect the health, safety and welfare of the City and its residents; and,

WHEREAS, on March 26, the Mayor issued the first Emergency Order pursuant to the Emergency Proclamation, providing for the modification of a number of ordinances or policies, which were subsequently approved or modified by the Common Council;

WHEREAS, COVID-19 has come with unprecedented challenges to our local economy, including to restaurants, which have been unable to serve indoor or outdoor dining customers since March 23, 2020; and,

WHEREAS, on May 26, 2020, Public Health Madison issued Emergency Order #3, allowing restaurants to resume indoor dining at 25% capacity and outdoor seating, provided that tables inside and outside are spaced six (6) feet apart with a limit of six (6) people per table who are members of the same household; and

WHEREAS, some restaurants have previously approved sidewalk cafes or outdoor eating areas in which they will be able to resume serving customers as provided in Public Health Madison Dane County Order 3; and

WHEREAS, these restaurants may wish to expand their existing sidewalk cafes or outdoor

eating areas in order to serve more customers outside while adhering to Public Health Madison Dane County Orders, requirements, and guidelines; and,
WHEREAS, other restaurants without existing sidewalk cafes or outdoor eating areas may wish to establish such spaces in private parking lots accessory to the establishment, on the sidewalk, or in the roadway; and,
WHEREAS, certain city ordinances related to sidewalk café licenses and outdoor eating areas, including street vending, zoning, alcohol licensing, and street occupancy either prohibit these activities or subject them to lengthy approval processes; and,
WHEREAS, temporarily allowing restaurants to expand their outdoor seating as described in the Mayor's Emergency Order without a lengthy approval process will aid in the immediate recovery of the local economy while ensuring adherence to Public Health Madison Dane County's Orders, requirements, and guidelines; and
WHEREAS, on May 27, 2020, the Mayor issued an Emergency Order allowing restaurants to temporarily expand their outdoor seating on the sidewalk, private parking areas accessory to the restaurant, and roadway ("Mayor's Emergency Order"); and
WHEREAS, this Resolution and the Mayor's Emergency Order are not meant to create gathering or social spaces for larger crowds and/or events, and only allows restaurant patrons to be seated in accordance with physical distancing requirements to increase capacity and aid in the recovery of restaurants; and
WHEREAS, this Resolution and the Mayor's Emergency Order are not meant to allow establishments that primarily serve alcohol, such as "Taverns" under M.G.O. § 28.211 of the Zoning Code, to undertake expansions allowed by the Order and this Resolution, but rather focuses on establishments that provide dining services to their customers; and
NOW THEREFORE BE IT RESOLVED that the Mayor's Emergency Order is confirmed; and,
BE IT FURTHER RESOLVED that the following City of Madison Ordinances are hereby suspended as provided in, and for the purposes stated in Mayor's Emergency Order until October 25, 2020:

M.G.O. § 9.13(4)

M.G.O. § 9.13(5)

M.G.O. § 9.13(6)(j)2. and 4.

M.G.O. § 9.13(6)(l) 1.d

M.G.O. § 9.13(12)(d)7., (12)(e), (12)(f)3., (12)(h)3.

M.G.O. § 9.13(6)(c)

M.G.O. § 9.13(9)

M.G.O. Subchapters 28C-28I (Zoning Code)

M.G.O. § 28.151

M.G.O. § 28.206 (fees)

M.G.O. § 10.055 (provisions applicable to duration) and (8) (fees)

M.G.O. § 12.122(1)(a)

M.G.O. § 33.56(5)(b)1.-2.

M.G.O. § 38.05(3)(a)1.

M.G.O. § 38.07(7)

M.G.O. § 38.05(3)(a)1(a) (fees)

BE IT FURTHER RESOLVED, that administrative approval of City staff is required for any outdoor seating area authorized by the Mayor's Emergency Order and this Resolution, including the Street Vending Coordinator (sidewalk cafes); the Zoning Administrator (outdoor eating areas); Traffic Engineering (Street Occupancy Permit); and the City Clerk and Alcohol Licensing Review Committee (ALRC) (temporary expansion of existing alcohol licensed premises); and BE IT FINALLY RESOLVED, that approval of any expanded sidewalk café license, outdoor eating area, alcohol license expansion, or street occupancy permit is temporary and, as provided in Mayor's Emergency Order and this Resolution, subject to continued compliance with all applicable federal, state and local laws and Public Health Madison Dane County Orders, requirements, and guidelines.

This Emergency Resolution will remain in effect until October 25, 2020.