



## Legislation Text

File #: 69379, Version: 2

### Fiscal Note

This ordinance creates a Roadway Cafe Permit to allow sidewalk cafes to occupy the parking lane of roadways. The actual use of the Roadway Cafe Permit area is controlled by the Roadway Cafe Expansion License, which is included in a companion ordinance (File No. 69380). The review of the Roadway Cafe Permit included in this ordinance is performed by Traffic Engineering with input from other agencies like Streets and Metro. The fee for this permit is included within the Roadway Cafe Expansion License fee being considered in File No 69380.

### Title

**SUBSTITUTE** - Creating Section 10.30 of the Madison General Ordinances to Create the Roadway Cafe Permit to Allow for the Expansion of Licensed Sidewalk Cafes into the Roadway, and Amending Sections 12.1425, 38.05(3)(e)1 and 1.08(3)(a) accordingly and 1.08(4) accordingly.

### Body

**DRAFTER'S ANALYSIS:** This ordinance, and its companion, File No. 69380, amends the Madison General Ordinances to specifically allow for the expansion of sidewalk cafes into the roadway, to make permanent many aspects of the "Streatery" program that was authorized on a temporary emergency basis at the beginning of the Covid-19 pandemic. Under the initial public health orders issued to address the community spread of Covid-19, restaurants were closed to in-person dining. To provide restaurants with greater reopening options consistent with public health guidance and the protection of the health, safety and welfare of the public, restaurants were allowed to reopen and serve customers in expanded outdoor dining spaces, including in the roadway. This expansion was accomplished under Covid-19 related emergency orders and policies. The larger dining area provided for greater outdoor social distancing options, better protecting employees and customers from continued spread of the disease. Through these emergency authorizations in 2020 and 2021, City staff and sidewalk cafe operators were able to identify best practices for the use of roadways for this purpose. This ordinance is the result of those efforts.

This ordinance creates Section 10.30, the Roadway Cafe Permit. This permit is an alternative to a privilege in street that would otherwise be required under Section 10.31 and Wis. Stat. § 66.0425. The new permit would allow for a licensed sidewalk cafe to expand into portions of certain roadways. The permit includes numerous conditions for equipment standards and placement intended to delineate the permitted area from the active roadway. This ordinance is a companion to File No. 69380, which ordinance relocates the sidewalk cafe license from Section 9.13 to a newly created Section 9.135, and also establishes a Roadway Cafe Expansion License that would allow a Sidewalk Cafe to expand into the permitted roadway area. Chapter 38 is also being amended to allow the Alcohol License Review Committee to approve the expansion of a licensed premises to include outdoor space, such as the permitted Roadway Cafe. A Roadway Cafe Permit under Section 10.30 would not allow cafe placement in the roadway without a corresponding Sidewalk Cafe License and Roadway Cafe Expansion License under Section 9.135. Sections 10.30 and 9.135 will create requirements and limitations on what operators can do within the permitted space and what can be stored there. Amendments are also being made to Section 12.1425(3) to allow for Permit and License holders to temporarily remove metered parking spaces to accommodate the Roadway Cafe. Finally, Subsections 1.08(3)(a) and 1.08(4) are being amended to create a bail deposit for citations arising from violations of the new Roadway Cafe Permit ordinance and to authorize enforcement thereof by the Traffic Engineer.

Fees for the licensing, permitting, occupation and use of the Roadway Cafe, including for lost parking spaces, are included in the license fee for the Roadway Cafe Expansion License to be created in Section 9.135(4)

under File No. 69380.

Finally, a third related ordinance, File No. 69382, will amend Chapter 28, the zoning code, to make permanent the ability of restaurants and bars to use expanded outdoor eating spaces on private property.

This substitute ordinance makes a technical and typographical correction to item 5, amending sec. 38.05(3)(a) 1., at the request of the ALRC.

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

**See File No. 69379 Body in Attachments.**