



Department of Planning & Community & Economic Development

## Economic Development Division

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### Executive Summary - Ordinance Amendments Making the Streatery Program Permanent

Four Legistar items will be introduced on February 1, 2022 to make the Streatery Cafe Program permanent:

1. [ID# 69379](#) New 10.30, Roadway Cafe Permit, 12.1425 and 38.05.
2. [ID# 69380](#) New MGO 9.135 for Sidewalk Cafe and Roadway Expansion Cafe Licenses  
Reorganizes 9.13 and moves mall/concourse rules to 9.136
3. [ID# 69382](#) Amends Ch. 28 to allow outdoor dining in certain zoning districts as a permitted use.
4. [ID# 69381](#) Amends Regulations Governing Vending on the State Street Mall/Capitol Concourse.

#### SUMMARY OF CHANGES:

##### 1. **Creating MGO 10.30, Roadway Cafe Permit (ID# 69379)**

This ordinance creates a new permit, issued by the Traffic Engineer, to allow sidewalk cafes to occupy the parking lane of the roadway. Sec. 10.30 describes which roads are eligible and creates safety and equipment rules to delineate the space.

- The Traffic Engineer will review this permit with input from other agencies like Streets and Metro.
- The permit fee will be paid through the corresponding sidewalk cafe license fee in sec. 9.135.
- Adjoining Roadway spaces may be permitted where more than one establishment uses the same space delineators in the roadway, but each pays for their own permit and stays in their own space.
- No vehicle parking will be allowed in the Roadway Cafe Permit area.
- File No. 69379 amends Sec. 12.1425 to allow parking meters to be placed out of service for a Roadway Cafe Permit. The license fee in sec. 9.135 is intended to cover some lost meter revenue.
- File No. 69379 also amends Chapter 38, Alcohol Beverages, to facilitate expansion of licensed premises to include outdoor areas, including the new Roadway Cafe area.

##### 2. **MGO 9.13 Street Vending Changes (ID# 69380).**

This ordinance creates a new section for sidewalk cafes, Sec. 9.135. Highlights:

- Makes most of the sidewalk cafe “Streatery” program permanent. The word “Streatery” is not used. Instead, they are called *Roadway Cafe Expansion Licenses*.
- Moves all existing rules for sidewalk cafes from 9.13 to 9.135.
- **Creates a new Roadway Cafe Expansion License** Sec. 9.135(8), an “add-on” to a regular sidewalk cafe license. This license will allow cafes with a Roadway Cafe Permit under sec. 10.30 to expand service into the roadway.
- **License fees for all sidewalk cafes, including Roadway expansions, are in 9.135(4), Table B.** Licenses are based on square footage of the roadway portion of the cafe, with different fees for the Mall/Concourse and the rest of the City, and for seasonal and winter operations. The license fees for “Regular” sidewalk cafes (not in the roadway) are NOT changing.

Permit fees for Roadway Café Expansions	Seasonal Operations (7 mos.) 4/15 to 11/14	Winter Operations (5 mos.) 11/15 to 4/14
Mall Concourse Roadway Cafe	\$7.50 per Square Foot	\$5.35 per Square Foot
City Wide Roadway Cafe	\$5.00 per Square Foot	\$3.57 per Square Foot

*Other sidewalk cafe highlights:*

- All sidewalk cafes will now be eligible for “lateral expansion” onto the sidewalk on either side of their establishment, with written permission from the neighboring tenant and property owner or management company.
- Eligible establishments include restaurants, bars, and breweries/distilleries/wineries regulated by the state. All must be in compliance with applicable rules for their alcohol service.
- All sidewalk cafes can use tents and heaters, with approval of the Madison Fire Department.
- All sidewalk cafes can use AC electrical power if plugged into their own business, with certain safety requirements.
- Light boxes, planters, other decorative items popularized during “Streatery” will be allowed.
- **Storage:** Sidewalk cafes with a Roadway Cafe can store some of their equipment outside, overnight, in the roadway portion of the cafe only, and only if it can be safely and securely stored. Cafes on the Mall/Concourse without a Roadway Cafe must continue to bring in all equipment nightly to allow access for maintenance equipment, sidewalk cleaning/snow removal and because there is limited space to safely store their cafe equipment on the terrace portion of the right-of-way. Non-Mall/Concourse sidewalk cafes will be eligible for overnight storage on a case-by-case basis, for a higher fee.
- Roadway Cafes must have a written snow removal plan in place, approved by Streets and Mall Maintenance, or they will not be eligible for a Winter Roadway cafe.
- Existing snow removal rules will continue to apply to sidewalk cafes on the Mall/Concourse.
- Sidewalk cafes cannot be located directly adjacent to, or blocking, a parking space reserved for people with disabilities. Existing rules for relocating such parking spaces will remain unchanged.
- **Things from temporary Streatery that are NOT being made permanent:**
  - Rules for overnight storage will no longer be relaxed on the sidewalk/terrace.
  - City power supply cannot be used in cafes for lighting or anything else.
  - Some establishments will not qualify for winter roadway cafes due to snow plowing concerns.
  - Amplified sound or music performance are not allowed in sidewalk or roadway cafes.
  - **All license fees will be charged at full price beginning with the 2022 vending season.**

*Other vending changes:*

- 9.13(6): [ID# 69380](#) also creates a new ordinance for Mall/Concourse Vending, MGO 9.136.
  - No major changes to 9.136. This is an organizational change. All information about Mall/Concourse vending currently found in 9.13 Subsection (6) is moved to sec. 9.136. No fees are changed. This move is meant to make the ordinance easier to read and might assist vendors and city staff in finding information relevant to the mall/concourse, other than sidewalk cafes which will be in 9.135.
- 9.13: [ID# 69380](#) repeals and recreates of the rest of Sec. 9.13, License for Selling on Public Streets, renamed “Street Vending Licenses.”
  - The remaining, existing subsections of sec. 9.13 are staying in 9.13.
  - There are no intentional substantive changes to the rest of sec. 9.13. All license fees will remain the same. Cross references have been edited to reflect the new sections 9.135 and 9.136.
  - References to the Street Vending Coordinator were replaced with Director of the Department of Planning and Community and Economic Development or designee – Director for short. This is to create consistency throughout the Ordinance. The role of the Street Vending Coordinator is not changing, and there is a new definition for explanation.
  - With the expiration of the emergency resolutions for vending and “Streatery” cafes, beginning with the 2022-2023 vending season, license fees will return to normal for all vending types.

3. [ID# 69382](#), Ch. 28 - The Zoning Ordinance is amended to allow outdoor eating as a permitted use in additional zoning districts.

- This ordinance creates a use category on private property – “outdoor eating area, temporary, associated with food and beverage establishment” and establishes it in mixed-use and commercial districts, downtown and urban districts, and employment districts.
- The supplemental regulations are based on the best practices established during the temporary Streatory program. The regulations include limits on hours and amplified noise, and specifications on enclosures, lighting and other safety measures.

4. [ID# 69381](#), Resolution Amending the Regulations Governing Street Vending on the State Street Mall/Capitol Concourse.

- This resolution, being introduced by Title Only, amends these regulation to remove the additional *non-codified policy regulations* for Mall/Concourse sidewalk cafes into sec. 9.135.
- This item also implements a previously-adopted rule allowing merchant vendors to use 10x10 pop up tents on the Mall/Concourse. No other substantive changes are made.

**Referral Schedule:**

Dates: Feb 1 Intro to CC	Legistar <a href="#">ID# 69379</a> 10.30,12.1425, 38.05	Legistar <a href="#">ID# 69380</a> Sec 9.13, New Sec 9.135	Legistar <a href="#">ID# 69382</a> Chapter 28 (Public hearing)	Legistar <a href="#">ID# 69381</a> , Resolution: Vending Policy
Feb 9	TC	TC		TC
Feb 14	TPPB	TPPB		TPPB
Feb 16	ALRC			
Feb 17	DCC	DCC		DCC
Feb 23	VOC	VOC (lead)		VOC (lead)
Feb 28	Finance	Finance	Finance	Finance
March 2	BPW (lead)	BPW		
March 7			Plan Comm. (lead)	
March 15	Common Council	Common Council	Common Council	Common Council

**Comparisons with Other Cities**

Proposed Madison Roadway Cafe License Fees	Duration	\$ Cost	Cost for Typical 400 SF café expansion for 2 parking stalls	
Mall/Conc. Roadway Café Ex.	7 months	\$7.50 SF Seasonal / \$5.35 SF Winter	\$3,000 / \$2,140	\$5140 / 12 mos.
Citywide Roadway Café Ex.	7 months	\$5.00 SF Seasonal / \$3.57 SF Winter	\$2,000 / \$1,428	\$3428 / 12 mos.
<b>Other Comparisons</b>				
Madison CBD Triple net lease	Annual	\$20 - 30 / sq. ft.	\$8000 - \$12000	
Tulsa, OK	annual	\$1375 per space	\$2,750	
San Francisco	Annual	\$3000 /first space, \$1500 additional	\$4,500	
Seattle, WA	Annual	\$3176 / metered space	\$6,352	
Seattle, WA	Annual	\$300 / non-metered space	\$600	
Oklahoma City, OK	Monthly	\$435 per month/space	\$3480 for 8 month permit	
Arlington, VA	Annual	\$2100 app fee, \$500 renewal	\$2100, annual renewal of \$500	
Raleigh, NC	annual	\$3000 for 2 parking spaces	phased fee: Free 1 <sup>st</sup> year, 50% 2 <sup>nd</sup> yr. 100% third yr.	