

**LEGISTAR # 53221 – Substitute Body**

DRAFTER'S ANALYSIS: This ordinance adds Tasting Room as a use in the food and beverage use category. Tasting rooms are a relatively new use that are becoming more frequently requested in Madison. Tasting Rooms are places that offer beer, wine, or liquor for consumption on the premises that was manufactured or rectified on the premises or at an off-site location associated with the Tasting Room. Under state law, as long as these establishments sell only the beer, wine, or liquor that they manufacture or rectify, they do not require a class A or B liquor license and, therefore, do not have regulatory oversight by the City like other similar alcohol and beverage uses. They are licensed by the Wisconsin Department of Revenue. Accordingly, this ordinance adds Tasting Room as a use and makes it a conditional use in all employment districts and in NMX, MXC, TSS, CC and CC-T. As a conditional use, the city will be able to exercise regulatory oversight similar to that provided to traditional licensed establishments.

This ordinance also amends the supplemental regulations for Restaurant-Nightclub. Under the current ordinance, only restaurant-nightclubs that operate between the house of midnight and 5 a.m. require conditional use approval. This ordinance makes all restaurant-nightclubs a conditional use. It also removes the exception in the supplemental regulation making restaurant night clubs established before the effective date of the ordinance a permitted (as opposed to a nonconforming) use.

This Substitute retains Restaurant-tavern as a Conditional Use in the LMX and NMX Districts.

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

1. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by creating therein the following:

"Tasting Room. An establishment which offers fermented malt beverages or intoxicating liquors for consumption on the premises that are manufactured or rectified on the premises or at an off-site location associated with the premises. Tasting Rooms may include food sales."

2. Section 28.151 entitled "Applicability" of Subchapter 28J: Supplemental Regulations of the Madison General Ordinances is amended by amending and creating herein the following:

"Nightclub.

- ~~(a) A Nightclub is a permitted use if established prior to the effective date of the ordinance, and a conditional use if established after the effective date of the ordinance.~~
- ~~(ba) Capacity may be as high as five (5) square feet per person.~~
- ~~(eb) Shall hold entertainment license under Sec. 38.06(11), MGO.~~
- ~~(dc) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.~~
- ~~(e) Establishment must offer live entertainment a minimum of two (2) nights per week.~~
- ~~(f) The establishment shall be open for business no more than three (3) hours prior to any event or activity qualifying the establishment as an entertainment venue and shall close its business no more than two (2) hours following such an event or activity.~~

Restaurant-Nightclub.

- ~~(a) A Restaurant Nightclub is a permitted use if established prior to the effective date of the ordinance. Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.~~
- ~~(b) A Restaurant Nightclub is a conditional use if established after the effective date of the ordinance and is open between the hours of midnight and 5 a.m.~~
- ~~(eb) Must serve food at all hours it is open.~~
- ~~(dc) Shall hold entertainment license under Sec. 38.06(11).~~
- ~~(ed) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City."~~

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

“Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
<b>Food and Beverages</b>							
Brewpub	P	P	P	P	P		
Restaurant-nightclub	P/C	P/C	P/C	P/C	P/C	P/C	Y
Restaurant-tavern	C	C	P	P	P	P	Y
<u>Tasting room</u>		C	C	C	C	C	

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

“Downtown and Urban Districts						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
<b>Food and Beverages</b>						
Restaurant-nightclub	P/C		P/C			Y

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

“Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
<b>Food and Beverages</b>							
Restaurant-nightclub	P/C	P/C	P/C	P/C	P/C	P/C	Y
<u>Tasting room</u>	C	C	C	C	C	C	
<b>Accessory Uses and Structures</b>							
<u>Tasting room</u>	C	C	C	C	C	C	

6. Table 28G-1 of Subsection (1) of Section 28.091 entitled "Special District Uses" of the Madison General Ordinances is amended by amending therein the following:

	A	UA	CN	PR	AP	Supplemental Regulations
<b>"Food and Beverages"</b>						
Nightclub					P/C	Y
Restaurant-nightclub					P/C	Y"