

LEGISTAR 51574 - Body

DRAFTER'S ANALYSIS: This ordinance allows food vending on private property as a conditional use in residential districts, as a permitted use in mixed-use and commercial districts, as a permitted use in employment districts, and as a permitted use in all downtown and urban districts except the Urban Mix Use District (UMX), in which it is a conditional use. This ordinance also creates supplemental regulations applicable in all districts, including that vendors maintain a basic street vending license, comply with specified hours of operation, maintain 25 feet of distance between the vending operation and another restaurant or restaurant-tavern, and have a site plan approved by the City of Madison.

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:

"Free-Standing Vending. The activity of selling or offering for sale any services, goods, wares, tokens, or foodstuffs by placing a booth, table, cart, truck, stand, or equipment on private property; preparing food, beverage or articles for sale; stopping a vehicle or person on foot, interacting with potential customers in or around the vending site, taking names for the purpose of making future sales, offering applications or other materials for future sales, or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any such articles or services to the public from private property."

2. Table 28C-1 of Subsection (1) of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by amending 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
Retail, Service, Recreation and Other Uses																
<u>Free-standing vending</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y"

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
Retail Sales and Services							
<u>Free-standing vending</u>	P	P	P	P	P	P	Y"

4. 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
Retail Sales and Services						
Free-standing vending carts	P	P	C	P	P	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
Retail Sales and Services							
Free-Standing Vending	P	P	P	P	P	P	Y"

6. The 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:

"Special Districts"						
	A	UA	CN	PR	AP	Supplemental Regulations
Retail Sales and Services						
Free-Standing Vending	P	P		P		Y"

7. Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by creating therein the following:

Free-Standing Vending.

- (a) Hours of operations shall be between the hours of 7:30 a.m. and 11:30 p.m., including set up and take down. Neither the operator nor any part of the operator's free-standing vending operation may remain on the property outside the hours of operation.
- (b) Operators shall provide the Zoning Administrator with a letter of permission from the owner of the property giving permission to conduct free-standing vending operations on the property.
- (c) Operators must obtain an approved site plan from Traffic Engineering and Zoning showing the location of the vending operation on the property in relation to existing parking lots, streets, driveways, and public rights of way.
- (d) Operators shall maintain valid health and vending licenses.
- (e) No free-standing vending operation may be located within twenty-five (25) feet of a restaurant or restaurant-tavern.
- (f) In residential districts, free-standing vending requires conditional use approval and may only occur on zoning lots containing non-residential uses."