



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 69379**

<b>File ID:</b> 69379	<b>File Type:</b> Ordinance	<b>Status:</b> Items Referred
<b>Version:</b> 1	<b>Reference:</b>	<b>Controlling Body:</b> BOARD OF PUBLIC WORKS
<b>Lead Referral:</b> BOARD OF PUBLIC WORKS	<b>Cost:</b>	<b>File Created Date :</b> 01/19/2022
<b>File Name:</b> Roadway Cafe Permits	<b>Final Action:</b>	
<p><b>Title:</b> 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.</p>		
<b>Notes:</b> 6558roadwaycafe		
<b>Code Sections:</b>	<b>CC Agenda Date:</b> 02/01/2022	
<b>Indexes:</b>	<b>Agenda Number:</b> 6.	
<b>Sponsors:</b> Satya V. Rhodes-Conway, Michael E. Verveer, Patrick W. Heck, Gary Halverson, Syed Abbas, Nasra Wehelie, Regina M. Vidaver and Charles Myadze	<b>Effective Date:</b>	
<b>Attachments:</b> 69379 Body.pdf, Summary of Ordinance Changes.pdf, ALRC February amendment.pdf	<b>Enactment Number:</b>	
<b>Author:</b> Doran Viste	<b>Hearing Date:</b>	
<b>Entered by:</b> jphelps@cityofmadison.com	<b>Published Date:</b>	

### Approval History

Version	Date	Approver	Action
1		Michael Haas	Approved as to Form
1		Ryan Pennington	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	01/25/2022	Referred for Introduction				
	<b>Notes:</b> Board of Public Works (3/2/22); Transportation Commission (2/9/22); Transportation Policy and Planning Board (2/14/22); Alcohol Licensing and Review Committee (2/16/22); Downtown Coordinating Committee (2/17/22); Vending Oversight Committee (2/23/22); Finance Committee (2/28/22); Common Council (3/15/22)						

1	COMMON COUNCIL	02/01/2022	Refer	BOARD OF PUBLIC WORKS	Pass
	<b>Notes:</b>	Additional referrals to Transportation Commission, Transportation Policy and Planning Board, Alcohol License Review Committee, Downtown Coordinating Committee, Vending Oversight Committee, Finance Committee.			
1	BOARD OF PUBLIC WORKS	02/01/2022	Referred	TRANSPORTATION COMMISSION	02/09/2022
	<b>Notes:</b>				
1	BOARD OF PUBLIC WORKS	02/01/2022	Referred	TRANSPORTATION POLICY AND PLANNING BOARD	02/14/2022
	<b>Notes:</b>				
1	BOARD OF PUBLIC WORKS	02/01/2022	Referred	ALCOHOL LICENSE REVIEW COMMITTEE	02/16/2022
	<b>Notes:</b>				
1	BOARD OF PUBLIC WORKS	02/01/2022	Referred	DOWNTOWN COORDINATING COMMITTEE	02/17/2022
	<b>Notes:</b>				
1	BOARD OF PUBLIC WORKS	02/01/2022	Referred	VENDING OVERSIGHT COMMITTEE	02/23/2022
	<b>Notes:</b>				
1	BOARD OF PUBLIC WORKS	02/01/2022	Referred	FINANCE COMMITTEE	
	<b>Notes:</b>				
1	TRANSPORTATION COMMISSION	02/09/2022	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	
1	TRANSPORTATION POLICY AND PLANNING BOARD	02/14/2022	Return to Lead with the Following Recommendation(s)	Attorney's Office/Approval Group	
	<b>Notes:</b>				
1	ALCOHOL LICENSE REVIEW COMMITTEE	02/16/2022	Table		Pass
	<b>Notes:</b>				
1	ALCOHOL LICENSE REVIEW COMMITTEE	02/16/2022	Take Off The Table		Pass
	<b>Notes:</b>				
1	ALCOHOL LICENSE REVIEW COMMITTEE	02/16/2022	Return to Lead with the Following Recommendation(s)	BOARD OF PUBLIC WORKS	Pass
1	DOWNTOWN COORDINATING COMMITTEE	02/17/2022	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	Pass
	<b>Notes:</b>	Tiffany Kenney, BID Executive Director Spoke in favor of making the Streatery Program permanent. She said that City Staff will also be attending the March 3 BID meeting to share the program and get feedback to the Common Council.			

Rebecca Cnare, Planning Division, gave a brief overview of the varied draft legislation to make the

Streatery Program permanent. She mentioned that there were two additional public comments that were attached in Legistar for the Committee members to read. Verveer noted that the Alcohol License Review Commission (ALRC) made a minor amendment to the changes in Chapter 38 to clarify some language. Torkildson asked if there needed to be permission from adjacent owners to use the parking spaces adjacent to their business. Staff replied that there does not, permissions are only needed for café expansions on the sidewalk/terrace.

1	VENDING OVERSIGHT COMMITTEE	02/23/2022	Return to Lead with the Following Recommendation(s)	BOARD OF PUBLIC WORKS	Pass
1	FINANCE COMMITTEE	02/28/2022			
1	BOARD OF PUBLIC WORKS	03/02/2022			

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### Text of Legislative File 69379

#### 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

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.

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

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