

**BODY - 29975**

DRAFTER'S ANALYSIS: The new zoning code made non-accessory temporary outdoor events, such as beer gardens, prohibited uses in the Traditional Shopping Street (TSS) district. That change made existing such events non-conforming uses, which are allowed to continue to exist so long as they do not make specific changes. This gives both the City and the event operators less flexibility in regulating these uses and responding to changing circumstances and conditions. For example, this would prohibit the City from negotiating a set of uniform rules with all such operators. This amendment will return non-accessory temporary outdoor events to conditional uses in the TSS district, as they were before the adoption of the new code. This will allow for continuing jurisdiction over the conditional uses, and will allow amendment to the approved conditions. This amendment will be retroactive to January 3, 2013, the effective date of the new zoning code, so that the existing uses continue as conditional uses, and do not become non-conforming uses. In addition, this amendment adds a supplemental regulation prohibiting non-accessory temporary outdoor events located in TSS and established after January 3, 2013 from locating on a lot which abuts a residential district.

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

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

<b>"Mixed-Use and Commercial Districts</b>							
	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>Supplemental Regulations</b>
<b>Retail Sales and Services</b>							
Non-accessory temporary outdoor events			C	C	C	C	Y"

2. Subdivision (e) of Subsection entitled "Non-Accessory Temporary Outdoor Events" of Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended to read as follows:

"Non-Accessory Temporary Outdoor Events.

- (a) All such events shall be related to events at Camp Randall Stadium.
- (b) Only food and beverages may be offered for sale to the public.
- (c) Live amplified music is allowed.
- (d) The Plan Commission may waive or modify the offstreet parking requirements for the principal use and the non-accessory use.
- (e) No such event established in the TSS district after January 3, 2013 shall be located on a lot any part of which is within fifty (50) feet of a residential district."