

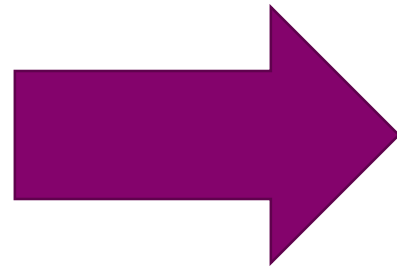
# Zoning Text Amendment – Outdoor Eating Areas

**Plan Commission – March 7, 2022**





**“Streatery”  
Pilot  
Program\***



**Permanent  
Program**

\*About 75 establishments participated in the streatery program on private property.



# Three Types of Complaints in Two Years

- **Outdoor amplified music, especially live music**
- **Outdoor areas open late at night**
- **Off-street parking impacts**



# Overview of Proposal

- **Adds temporary outdoor eating areas as a new use**
- **Makes temporary and permanent outdoor eating area uses permitted if supplemental regulations are met**
- **If supplemental regulations are not met, a conditional use approval is required**



# MXC, CC, and RMX Districts

- **Outdoor eating area is currently a permitted use with no limits on use characteristics such as outdoor amplified sound or hours of operation**
- **No changes proposed to these districts but for adding temporary outdoor eating area use**
- **MXC and RMX districts are not yet mapped**

# Proposed Supplemental Regulations – Permanent, Year Round



- a) Primary access to the area shall be from within the establishment.**
- b) Hours of operation shall end at nine (9) pm in all districts except for MXC, CC and RMX, unless extended as part of the conditional use approval.**

# Proposed Supplemental Regulations – Permanent, Year Round (cont.)



- c) No amplified sound is permitted in all districts except MXC, CC and RMX, unless allowed as part of the conditional use approval.**
- d) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.**

# Proposed Supplemental Regulations – Temporary, Seasonal



- a) Hours of operation shall end at nine (9) pm in all districts except for MXC, CC and RMX, unless extended as part of the conditional use approval.**
- b) No amplified sound is permitted in all districts except MXC, CC and RMX, unless allowed as part of the conditional use approval.**



# Proposed Supplemental Regulations – Temporary, Seasonal (cont.)



- c) Enclosures shall be required, and shall be between thirty-six (36) and forty-two (42) inches in height, may be flush to the ground, and the bottom of the structure shall be no more than six (6) inches from the ground. All sides of the enclosure shall be constructed of a stable, rigid, wind-resistant, self-supporting framework, capable of maintaining all furniture and other objects within the confines of the cafe and free from any supporting structures which may cause a tripping hazard either within or outside of the cafe.**

# Proposed Supplemental Regulations – Temporary, Seasonal (cont.)



- d) Enclosures shall make sure that vertical railings or elements do not interfere with intersection sight distance, per MGO Sec. 27.05(2)(bb).**
- e) Tables, chairs, barricades, and fencing shall be safely secured on site when not in use.**
- f) If alcohol is served, signs shall be displayed for patrons stating that alcohol must stay within the seating area.**

# Proposed Supplemental Regulations – Temporary, Seasonal (cont.)



- g) Additional exterior lighting required for any seating areas operating after dusk shall comply with all applicable local and state code requirements.**
- h) Shall be approved by the Zoning Administrator or designee, the Traffic Engineer or designee and the City of Madison Fire Department.**
- i) Permissible from April 15 to November 15.**

# Site Plan Review



## Zoning Review

- Meet all standards of the zoning ordinance, including but not limited to:
  - Automobile parking
  - Provision of accessible parking
  - Bicycle parking
  - Landscaping
  - District boundary screening



# Site Plan Review (cont.)

## Traffic Engineering Review

- Barriers guard rails and other measures to protect outdoor eating areas from vehicles

## Fire Review

- Tents
- Heating sources
- Egress and maneuverability
- Occupant load, in coordination with Building Inspection



# Alcohol License Review Committee

- **No changes to ALRC process proposed**
- **Regulate licensed establishments with conditions, including but not limited to:**
  - Occupant load
  - Hours of operation
  - Business plan
  - Outdoor amplified sound
- **Separate process for violations of liquor license conditions**

# Summary



- **Proposal based on lessons learned from two years of the pilot Streatery program.**
- **Lessons learned used to develop supplemental regulations.**
- **If supplemental regulations are not met, conditional use required.**
- **No changes to site plan or ALRC review processes proposed.**