

BODY – LEGISTAR 32961

DRAFTER'S ANALYSIS: The zoning code regulates the permitted uses of land by district. Each table below represents a category of zoning districts, such as the mixed-use and commercial districts, the downtown and urban districts, and the employment districts. The row on the top of each table identifies a specific district within that category. For example, "LMX" is the Limited Mixed Use district in the mixed use and commercial district category.

The table has rows for the available uses of land. If there is a "P" where the use row intersects the district column, that use is permitted in that district. If there is a "C" at that location, that use is a conditional use in that district. If there is neither a "P" nor a "C," the use is not allowed in that district. Finally, if there is a "Y" in the "supplemental regulations" column, additional rules might apply to that use, and you should look up the use by name in Sec. 28.151. There you will find what the supplemental regulations are for that use. "P/C" means permitted or conditional, depending on specific requirements in the supplemental regulations.

For example, a Restaurant is a conditional use in the LMX, or Limited Mixed Use District, and a permitted use in the NMX, or Neighborhood Mixed Use district. It has no supplemental regulations.

This ordinance creates two new uses of land in the zoning code, "Restaurant-Nightclub" and "Nightclub," and establishes supplemental regulations for Restaurant-Tavern, Tavern, Restaurant-Nightclub, and Nightclub. In addition, it amends the definition of Restaurant-Tavern in the zoning code. This change removes the zoning department's consideration of the percentage of sales comprised of food versus alcohol, but does not release businesses from any requirements imposed under state law. It also clarifies the definition of "Tavern" to specify that Taverns do not contain kitchen facilities. Finally, it amends the definition of "Theater, Assembly hall" to require fixed or designated seating, and moves "outdoor stage, band shell, or amphitheater" under the definition of "outdoor recreation."

The ordinance also establishes a new overlay district, within which Taverns and Brewpubs established after the effective date of this ordinance are not allowed. Taverns and Brewpubs established before the effective date are a permitted use. Nightclubs and Restaurant-Nightclubs are conditional uses in the overlay district. The ordinance is effective July 1, 2014.

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 and creating therein the following:

"Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
Food and Beverages							
<u>Brewpub</u>		C	P	P	P	P	
<u>Nightclub</u>	C	C	P/C	P/C	P/C	P/C	Y
<u>Restaurant-nightclub</u>	C	C	C	C	C	C	Y
<u>Restaurant-tavern</u>	C	C	P	P	P	P	Y
<u>Tavern, brewpub</u>		C	P	P	P	P	Y

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

"Downtown and Urban Districts

	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
Food and Beverages						
<u>Brewpub</u>	P		P			
<u>Nightclub</u>	C	C	C	C	C	Y
<u>Restaurant-nightclub</u>	C	C	C	C	C	Y
Restaurant-tavern	P		P			Y
Tavern, brewpub	P		P			Y

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

“Employment Districts							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
Food and Beverages							
<u>Brewpub</u>	C	C	C	C	C	C	
<u>Nightclub</u>	C	C	C	C	C	C	Y
<u>Restaurant-nightclub</u>	C	C	C	C	C	C	Y
Restaurant-tavern	C	C	C	C	C	C	Y
Tavern, brewpub	C	C	C	C	C	C	Y

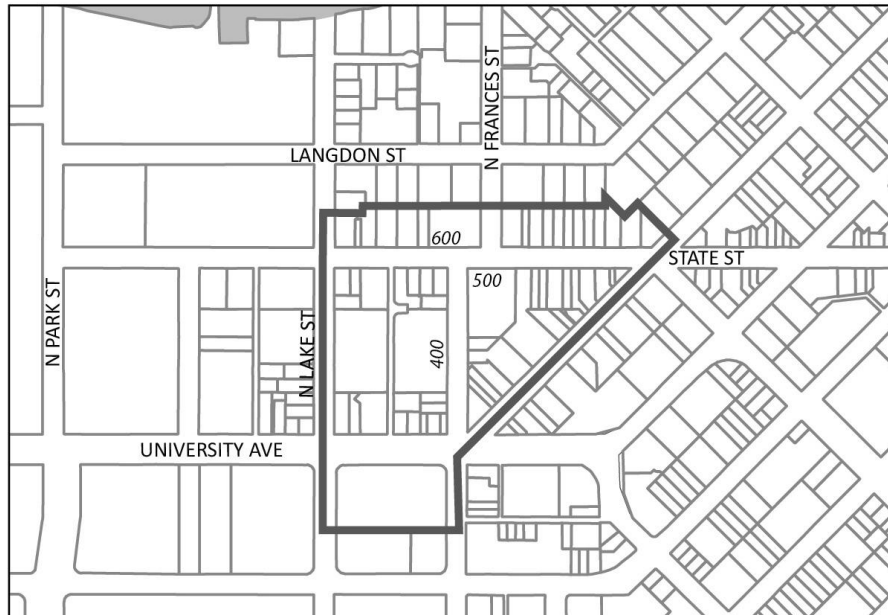
4. The Table 28G-1 of Subsection (1) of Section 28.091 entitled “Special District Uses” of the Madison General Ordinances is amended by amending and creating therein the following:

“Special Districts						
	A	UA	CN	PR	AP	Supplemental Regulations
Accessory Uses and Structures						
<u>Brewpub</u>					P	
<u>Nightclub</u>					P/C	Y
Restaurant				C	P	Y
<u>Restaurant-nightclub</u>					P/C	Y
Restaurant-tavern				C	P	Y
Tavern, brewpub					P	Y

5. Section 28.127 entitled “Alcohol Overlay District” of the Madison General Ordinances is created to read as follows:

“28.127 ALCOHOL OVERLAY DISTRICT.

- (1) Applicability. The Alcohol Overlay district includes all addresses on the 500 and 600 blocks of State Street, the 600 block of University Avenue, and the 400 block of North Frances Street.



- (2) Permitted and Conditional Uses. Table 28H-1 lists permitted and conditional uses in the Alcohol Overlay District which supersede the regulations in the underlying zoning district.
- (a) "P" means permitted in the districts where designated.
 - (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
 - (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
 - (d) "Y" means there are specific requirements in Subchapter 28J associated with a use.

Table 28H-1

		Supplemental Regulations
Food and Beverages		
Nightclub	C	Y
Restaurant	P	
Restaurant-nightclub	C	Y
Restaurant-tavern	P	Y
Tavern , brewpub		
Tavern, brewpub - if established before July 1, 2014.	P	Y"

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

"Nightclub.

- (a) Capacity may be as high as five (5) square feet per person.
- (b) May hold entertainment license under Sec. 38.11, MGO.

Restaurant-Nightclub.

- (a) A Restaurant-Nightclub is a conditional use if it is open between the hours of midnight and 5 a.m.
- (b) Must serve food at all hours it is open.

(c) May hold entertainment license under Sec. 38.11.

Restaurant-Tavern.

(a) 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) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.11.

Tavern. Taverns shall not hold an entertainment license under Sec. 38.11.”

7. Section 28.211 entitled “Definitions” of the Madison General Ordinances is amended by creating and amending therein the following:

“Nightclub. An establishment in which fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.11.

Recreation, Outdoor. A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, swimming pool, ~~or~~ water park, an outdoor stage, band shell, or amphitheater.

Restaurant-Nightclub. An establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.11.

Restaurant-Tavern. Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises, ~~where meals account for over fifty percent (50%) of the gross receipts.~~

Tavern. An establishment serving fermented malt beverages or intoxicating liquors primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use, and which does not include kitchen facilities.

Theater, Assembly Hall. A facility for presenting motion pictures or live performances for patrons that provides fixed or designated seating. This term ~~includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.”~~

8. This ordinance is effective July 1, 2014.