



Legislation Details (With Text)

**File #:** 01560      **Version:** 2      **Name:** sidewalk cafes on Capitol Square  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/30/2005      **In control:** COMMON COUNCIL  
**On agenda:** 7/19/2005      **Final action:** 7/19/2005  
**Enactment date:** 8/5/2005      **Enactment #:** ORD-05-00135  
**Title:** SUBSTITUTE - Amending Sections. 9.13(6)(j)2.a., (6)(j)2.e., and 9.13(4)(e) of the Madison General Ordinances to allow sidewalk cafes on the Capitol Square to be located next to the building face.  
**Sponsors:** Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/19/2005	2	COMMON COUNCIL	Adopt	Pass
7/13/2005	2	Attorney's Office/Approval Group	Approved As To Form	
7/13/2005	2	Attorney's Office	Fiscal Note Required / Approval	
7/13/2005	2	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
7/6/2005	1	Clerk's Office	Refer For Attorney Review	
7/5/2005	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
6/30/2005	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No fiscal impact is anticipated.

**Title**

SUBSTITUTE - Amending Sections. 9.13(6)(j)2.a., (6)(j)2.e., and 9.13(4)(e) of the Madison General Ordinances to allow sidewalk cafes on the Capitol Square to be located next to the building face.

**Body**

DRAFTER'S ANALYSIS: This amendment would allow sidewalk cafes to be located next to buildings on the Capitol Square. Under the current ordinance, sidewalk cafes on the Capitol Concourse must be placed beyond the "sparkle light poles" or at least 6 feet from the building face. Benches, planters and other amenities on the city side of the Capitol square sidewalks make it impossible for some restaurants to have a sidewalk cafe. This ordinance would allow restaurants on the 4 streets of the Square to choose a location either against the building or near the curb (but not both) depending on the layout of the sidewalk in front of their business. Cafes placed against the building can only extend 5 feet into the sidewalk but otherwise must follow the same rules for all cafes on the Mall/Concourse. Most of those rules are found in the VOC's "Regulations Governing Vending on the State Street Mall/Capitol Concourse." The amendment to section 9.13(6)(j)2.a., below, clarifies that applicability and cleans up previously confusing language. A separate resolution will make needed changes to the VOC Regulations.

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

- Subparagraph a. of Paragraph 2. entitled "Miscellaneous Restrictions on Sidewalk Cafes" of Subdivision (j) entitled "Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes "of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"a. The space specifications in Sec. 9.13(6)(j)1.b. above shall apply to all sidewalk cafes located on State Street Mall or the Capitol Concourse as defined herein, ~~except sidewalk cafes at locations described in located in the 100 block of Martin Luther King Jr. Boulevard, which shall be subject to the requirements in Subparagraph e., below.~~ The space specifications in Sec. 9.13(6)(j)1.c. shall apply to sidewalk cafes on any other streets within the district. The remainder of this paragraph shall apply to all sidewalk cafes within the Mall/Concourse : No sidewalk cafes may obstruct the pedestrian right of way required by the City to be maintained adjacent to the sidewalk cafe. ~~No sidewalk cafe furniture shall be placed closer than two (2) feet to the street side and at least two other sides by a barricade of not less than thirty (30) inches and not more than forty (40) inches high.~~ All sidewalk cafes shall remain within the approved boundaries of the sidewalk cafe site as set forth on the approved application and shall be surrounded by enclosure(s) as required by the Regulations Governing Vending on the State Street Mall/Capitol Concourse. See those Regulations and sec. 9.13(4) for additional placement requirements. Pursuant to Sec. 9.13(6)(c)1.a., the VOC shall establish additional criteria for sidewalk cafes by regulation, not inconsistent with this subsection.

2. Subparagraph e. of Paragraph 2. entitled "Miscellaneous Restrictions on Sidewalk Cafes" of Subdivision (j) entitled "Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes "of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"e. Alternative Sidewalk Cafe Placement.

i. Sidewalk Cafes in 100 Block of Martin Luther King Jr. Boulevard. Sidewalk cafes located within the 100 block of Martin Luther King Jr. Boulevard, due to the unusual width and design of the sidewalk between the roadway and the property line of adjacent buildings, shall be located between the building face and a distance of twelve (12) feet from the building face, and shall not be wider than the side property lines of the corresponding ~~merchant's~~ restaurant's street frontage.

ii. Sidewalk Cafes on the Capitol Square. Due to the width and unique design and layout of sidewalks on the Capitol Square, restaurants located on the 10 blocks of E. and W. Mifflin, N. and S. Pinckney, E. and W. Main, and N. and S. Carroll Streets may choose a sidewalk cafe location that either complies with 9.13(6)(j)2.a. if the layout of the permanent amenities on sidewalk in front of the business allows, or placed next to the building, but not both. Sidewalk cafes located next to the building shall be no wider than the side property lines of corresponding restaurant's street frontage, shall extend no more than five (5) feet from the building face, shall be enclosed on all sides (except the building face may serve as one side of the enclosure), and shall otherwise comply with all applicable requirements of this ordinance and the Regulations Governing Vending on the State Street Mall/Capitol Concourse."

3. Subdivision (e) entitled "Equipment Placement" of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(e) Equipment placement. Except as indicated below, or otherwise permitted in Sec. 9.13 or Sec. 10.056 of the Madison General Ordinances or in regulations adopted pursuant to authority granted thereunder, no vending equipment, including sidewalk café or merchant vending equipment, may be placed on any portion of a public sidewalk between the edge of the sidewalk closest to the property line if clearly defined or, if not so defined, the face of the abutting building or structure, and an imaginary line six (6) feet therefrom. "Sidewalk" has the meaning given in Sec. 340.01(58) of the Wisconsin Statutes. This section shall not apply to sidewalk cafes located in the 100 block of Martin Luther King Jr. Boulevard. Café placement in the 100 block of Martin Luther King Jr. Boulevard shall be subject to the applicable placement requirements in under Sec. 9.13(6)(j)2.e. and other applicable restrictions herein."