



Legislation Details (With Text)

File #: 51574 **Version:** 2 **Name:** Allow free-standing vending in most residential districts

Type: Ordinance **Status:** Passed

File created: 5/7/2018 **In control:** PLAN COMMISSION

On agenda: 7/10/2018 **Final action:** 7/10/2018

Enactment date: 7/20/2018 **Enactment #:** ORD-18-00068

Title: SUBSTITUTE Amending Sections 28.211, 28.032, 28.061, 28.072, 28.082, 28.091, and 28.151 of the Madison General Ordinances to allow free-standing vending on private property.

Sponsors: Michael E. Verveer, Zach Wood

Indexes:

Code sections:

Attachments: 1. Substitute Body, 2. Version 1, 3. Minear comments_06-18-18.pdf, 4. Schroeder comments_06-18-18.pdf, 5. Lehnertz comments_06-18-18.pdf, 6. Zoning_Text_Memo_070218.pdf

Date	Ver.	Action By	Action	Result
7/10/2018	2	COMMON COUNCIL	Adopt as Substituted and Close the Public Hearing	Pass
7/2/2018	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
6/19/2018	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
6/18/2018	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - RECESSED PUBLIC HEARING	Pass
6/4/2018	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
5/30/2018	1	VENDING OVERSIGHT COMMITTEE	Return to Lead with the Following Recommendation(s)	Pass
5/15/2018	1	PLAN COMMISSION	Refer	
5/15/2018	1	COMMON COUNCIL	Refer For Public Hearing	Pass
5/7/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

The proposed ordinance amendments allows free-standing vending, which will be set up and taken down daily, on private property in certain zoning districts. This ordinance effectively allows food carts on private property in many areas of City where they are currently prohibited. The proposed ordinance includes many of the same operational requirements contained in the street vending ordinance to ensure a new class of vending carts are created. No additional City appropriation is required.

Title

SUBSTITUTE Amending Sections 28.211, 28.032, 28.061, 28.072, 28.082, 28.091, and 28.151 of the Madison General Ordinances to allow free-standing vending on private property.

Body

DRAFTER'S ANALYSIS: This substitute ordinance was necessary to substitute a new definition for free-standing vending, add technical requirements, and to change the use status in various zoning districts.

Under this substitute ordinance, free-standing vending continues to be prohibited in all districts if located on a zoning lot containing residential uses. In non-residential districts, free-standing vending is a

permitted use if it located more than 200 feet from the property line of a lot with a residential use and is a conditional use if located 200 feet or less from the property line of a lot with a residential use.

The supplemental regulations also 1) set hours of operations, 2) set licensing and operations requirements, 3) require a City-approved site plan, 4) provide a 25-foot distance separation requirement between any free-standing vending operation and a brick and mortar restaurant or restaurant-tavern (unless specifically allowed by that business owner), and provide other regulations to be enforced by the Zoning Administrator.

Finally, in adopting many of the same operational requirements contained in the street vending ordinance (Sec. 9.13, MGO) this ordinance ensures that the City is not creating a new class of vending carts in terms of cart size, noise requirements, and other aspects of on-street food vending cart.

This ordinance will have the effect of allowing food carts on private property in many areas where they are currently prohibited and thus responds to a long-history of requests from employers and other business owners who wish to have more convenient access to food for their employees or customers.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "Substitute Body" in Attachments.