City of Madison

Legislation Details (With Text)

File #:	07372	**Version:**	1	**Name:**	alternative sidewalk cafe placement
Type:	Ordinance			**Status:**	Passed
File created:	8/28/2007			**In control:**	COMMON COUNCIL
On agenda:	10/2/2007			**Final action:**	10/2/2007
Enactment date:	10/2/2007			**Enactment #:**	ORD-07-00139

Title: Creating Section 9.13(6)(j)2.e.iii. of the Madison General Ordinances to allow the Vending Coordinator to approve alternative sidewalk caf? placement on a case-by-case basis on the State Street Mall/Capitol Concourse, on streets other than State Street.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/2/2007	1	COMMON COUNCIL	Adopt	Pass
9/4/2007	1	COMMON COUNCIL	Refer	
8/29/2007	1	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/29/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
8/29/2007	1	Attorney's Office	Referred for Introduction	
8/28/2007	1	Attorney's Office/Approval Group	Approved As To Form	
8/28/2007	1	Attorney's Office	Fiscal Note Required / Approval	

Fiscal Note

No significant fiscal impact is anticipated. It is possible the Ordinance might yield additional revenues derived from permit fees, but the impact would be minimal. In addition, the workload of the Vending Coordinator may increase, but it is not anticipated that additional administrative resources would be required.

Title

Creating Section 9.13(6)(j)2.e.iii. of the Madison General Ordinances to allow the Vending Coordinator to approve alternative sidewalk café placement on a case-by-case basis on the State Street Mall/Capitol Concourse, on streets other than State Street.

Body

DRAFTER'S ANALYSIS: This ordinance would allow the Vending Coordinator to approve alternative placement of sidewalk cafes for establishments within the "State Street Mall/Capitol Concourse Vending Area" on streets OTHER THAN State Street. The current rule is that all sidewalk cafes must be placed against the curb, with a minimum 6-foot unobstructed path for pedestrians. This would remain the rule for State Street but for streets other than State Street, this ordinance would allow the vending coordinator to exercise discretion and allow a smaller, five-foot wide café to be placed against the building, or to allow 2 cafes if the space in front of a restaurant has permanent fixtures, such as a bench or planter, that cannot be moved. This determination would be subject to safety and pedestrian clearance considerations. This amendment would also allow a corner business or an restaurant with front and rear street frontage to have two sidewalk cafes, if space allows.

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

Subsubparagraph iii. entitled "Alternate Placement: Case-by-Case Determination" of Subparagraph e. entitled

"Alternative Sidewalk Café Placement" 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 created to read as follows:

"iii. Alternate Placement: Case-by-Case Determination. The Vending Coordinator may, on a case-by-case basis and at his/her discretion, allow a sidewalk café on portions of the Mall/Concourse other than State Street to be placed up against the building using the criteria in sub. i. above, or to split a sidewalk café into two (2) sections for one establishment if, after inspection of the site, in the opinion of the Vending Coordinator, such a variance is necessary to permit a sidewalk café for an otherwise eligible establishment.

In order to be eligible, the paved portion of the adjacent sidewalk must be at least nine (9) feet wide, the entire sidewalk area proposed for café placement must be paved with concrete, asphalt, cement, brick, pavers or other impervious surface, and placement of the café must allow at least six (6) feet of unobstructed public pedestrian walkway on the adjacent public sidewalk. An establishment is not eligible for a sidewalk café if, in the opinion of the Vending Coordinator, the grade or slope of the adjacent public sidewalk is prohibitive, if the sidewalk does not offer a sufficiently level surface for food and drink service, of if the café placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or available square footage of the adjacent public sidewalk.

An establishment shall be eligible for a 2-part sidewalk café if made necessary by permanent public amenities positioned in the sidewalk adjacent to the establishment, if there is sufficient space for an enclosed sidewalk café on both sides of the amenity(ies). In that case the café is considered one licensed café site that is split into two sections.

An establishment is eligible for two separate sidewalk cafés if located on a street corner or if it has two street frontages and both adjacent sidewalk areas are otherwise eligible. The café on the State Street side shall conform to the rules above for placement on State Street. The café on the other side shall be placed against the curb under the general rule in sub. 2.a. above if space allows, or may be placed against the building under the rules of sub. i. if, in the opinion of the Vending Coordinator, placement against the building is more safe and consistent with the traffic and pedestrian flow on the corresponding street. In this case, the establishment shall obtain two sidewalk café licenses. The placement rules in this paragraph shall also apply to an establishment with multiple addresses, under sec. 9.13(6)(j)4.a.iii."

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