



## Legislation Details (With Text)

**File #:** 53221      **Version:** 3      **Name:** Tasting Room  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/18/2018      **In control:** Attorney's Office/Approval Group  
**On agenda:** 11/20/2018      **Final action:** 11/20/2018  
**Enactment date:** 12/4/2018      **Enactment #:** ORD-18-00118  
**Title:** 2nd SUBSTITUTE Amending Sections 28.211, 28.151, 28.061, 28.072, 28.082 and 28.091 of the Madison General Ordinances to add Tasting Room as a use and to amend the supplemental regulations of Restaurant-Nightclub and make Restaurant-Nightclub a conditional use in all districts where it is allowed.  
**Sponsors:** Marsha A. Rummel

### Indexes:

### Code sections:

**Attachments:** 1. Version 3 - 2nd Sub Body, 2. Version 2 -Substitute Body, 3. Version 1, 4. zt101518.pdf, 5. Nordstrom comments\_10-14-18.pdf, 6. Plan Commission NMX and alcohol.pdf

| Date       | Ver. | Action By                        | Action  | Result |
|------------|------|----------------------------------|---|--------|
| 11/20/2018 | 3    | COMMON COUNCIL                   | Adopt as Substituted and Close the Public Hearing       | Pass   |
| 11/5/2018  | 2    | PLAN COMMISSION                  | RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING | Pass   |
| 10/30/2018 | 2    | COMMON COUNCIL                   | Re-refer for Recessed Public Hearing                    | Pass   |
| 10/15/2018 | 1    | PLAN COMMISSION                  | RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING       | Pass   |
| 9/25/2018  | 1    | COMMON COUNCIL                   | Refer   | Pass   |
| 9/18/2018  | 1    | Attorney's Office/Approval Group | Referred for Introduction                               |        |

### Fiscal Note

No additional City appropriation required.

### Title

2nd SUBSTITUTE Amending Sections 28.211, 28.151, 28.061, 28.072, 28.082 and 28.091 of the Madison General Ordinances to add Tasting Room as a use and to amend the supplemental regulations of Restaurant-Nightclub and make Restaurant-Nightclub a conditional use in all districts where it is allowed.

### Body

**DRAFTER'S ANALYSIS:** This ordinance adds Tasting Room as a use in the food and beverage use category. Tasting rooms are a relatively new use that are becoming more frequently requested in Madison. Tasting Rooms are places that offer beer, wine, or liquor for consumption on the premises that was manufactured or rectified on the premises or at an off-site location associated with the Tasting Room. Under state law, as long as these establishments sell only the beer, wine, or liquor that they manufacture or rectify, they do not require a class A or B liquor license and, therefore, do not have regulatory oversight by the City like other similar alcohol and beverage uses. They are licensed by the Wisconsin Department of Revenue. Accordingly, this ordinance adds Tasting Room as a use and makes it a conditional use in all employment districts and in NMX, MXC, TSS, CC and CC-T. As a conditional use, the city will be able to exercise regulatory oversight similar to that provided to traditional licensed establishments.

This ordinance also amends the supplemental regulations for Restaurant-Nightclub. Under the current

ordinance, only restaurant-nightclubs that operate between the house of midnight and 5 a.m. require conditional use approval. This ordinance makes all restaurant-nightclubs a conditional use. It also removes the exception in the supplemental regulation making restaurant night clubs established before the effective date of the ordinance a permitted (as opposed to a nonconforming) use.

This Substitute retains Restaurant-tavern as a Conditional Use in the LMX and NMX Districts.

This 2<sup>nd</sup> Substitute makes Brewpub a Conditional Use in the LMX and NMX Districts and revises the definition of Brewpub.

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

Please see "2nd Substitute Body" in Attachments.