



### Legislation Details (With Text)

**File #:** 69382      **Version:** 2      **Name:** Create Outdoor Eating Area Streatery Roadway Cafe  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/19/2022      **In control:** Attorney's Office  
**On agenda:** 3/29/2022      **Final action:** 3/29/2022  
**Enactment date:** 4/8/2022      **Enactment #:** ORD-22-00016

**Title:** AMENDED - Amending Chapter 28 to create an outdoor eating area, temporary, associated with a food and beverage establishment as a use category in Chapter 28, amending Tables 28D-2, 28E-2, 28F-1 and 28G-1 to include the new use category, and amending Subchapter 28J: Supplemental Regulations.

**Sponsors:** Satya V. Rhodes-Conway, Michael E. Verveer, Patrick W. Heck, Gary Halverson, Syed Abbas, Nasra Wehelie, Regina M. Vidaver, Lindsay Lemmer, Keith Furman, Yannette Figueroa Cole

**Indexes:**

**Code sections:**

**Attachments:** 1. 69382 Body Version 2, 2. 69382 Body.pdf, 3. Summary of Ordinance Changes.pdf, 4. Comments\_030422.pdf, 5. Zoning Text Memo 3-7-22.pdf, 6. Public\_Comments\_030722.pdf, 7. Outdoor Eating Areas - PC Presentation 3-7-22.pdf

Date	Ver.	Action By	Action	Result
3/29/2022	1	COMMON COUNCIL	Adopt with Conditions and Close the Public Hearing	
3/29/2022	1	COMMON COUNCIL	Adopt the Following Amendment(s)	Pass
3/29/2022	1	COMMON COUNCIL	Adopt With Amendment(s)	Pass
3/7/2022	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING	Pass
2/17/2022	1	DOWNTOWN COORDINATING COMMITTEE		
2/1/2022	1	COMMON COUNCIL	Refer For Public Hearing	Pass
1/25/2022	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No additional City appropriation required. The fee structure and estimated revenue related to Sidewalk Café and Roadway Café Expansion Licenses is included in companion Legistar File 69380.

**Title**

AMENDED - Amending Chapter 28 to create an outdoor eating area, temporary, associated with a food and beverage establishment as a use category in Chapter 28, amending Tables 28D-2, 28E-2, 28F-1 and 28G-1 to include the new use category, and amending Subchapter 28J: Supplemental Regulations.

**Body**

DRAFTER'S ANALYSIS: File Nos. 69379 and 69380, establish the Roadway Cafe permit program; an alternative to a privilege in street that would otherwise be required under Section 10.31 of the Madison General Ordinances (MGO) and Wis. Stat. § 66.0425, and would allow for a licensed sidewalk cafe to expand into portions of certain roadways. While the companion ordinances will allow for expanded outdoor dining options in the right-of-way, this ordinance will allow for expanded outdoor dining areas on private zoning lots.

This ordinance creates a use category - "outdoor eating area, temporary, associated with food and beverage establishment" and establishes it in mixed-use and commercial districts, downtown and urban districts, and

employment districts. The new use category is established as a permitted use if the establishment follows conditions in the newly-created companion supplemental regulations. Amplified noise and extended hours can be established through the conditional use process. Tables 28D-2, 28E-2, 28F-1 and 28G-1 are amended to include this new use category in the afore-mentioned districts.

MGO Sec. 28.211 is amended to create definitions for both the new “outdoor eating area, temporary, associated with a food and beverage establishment” and the previously existing use category “outdoor eating area associated with a food and beverage establishment.” Finally, supplemental regulations are created for “outdoor eating area, temporary, associated with a food and beverage establishment.” The supplemental regulations are based on the best-practices established during the successful Streatery program. The regulations include limits on hours and amplified noise (highlighted above), as well as specifications on enclosures, lighting and other safety measures.

The Amendment from the floor at the March 29, 2002 Common Council Meeting added language regarding fencing requirements to the last sentence of (c) in 28.151 - Applicability, Outdoor Eating Areas, Temporary, Associated with Food and Beverage Establishments. The change allowed the Zoning Administrator or designee to use their discretion to allow fencing higher than forty-two (42) inches which was a recommendation made by Plan Commission.

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

**See File No. 69382 Body - Version 2 in Attachments.**