



Legislation Text

File #: 42394, Version: 1

Fiscal Note

No fiscal impact.

Title

Amending Section 28.211 of the Madison General Ordinances to clarify the definition of Tavern and add the definition of artist, photographer studio.

Body

DRAFTER'S ANALYSIS: The current definition of tavern is drafted in a way that does not accurately convey the actual intent of the definition. In the current definition, the word "primarily" modifies where a beverage is consumed instead of modifying that the service of the beverage or liquor is the primary use of the establishment. As a result, any place that serves malt beverages or intoxicating liquors that does not include kitchen facilities is considered a tavern under the current code, in part because the beverage or liquor is primarily consumed on the premises. This has led to confusion for establishments that do not have kitchen facilities and serve beverages or intoxicating liquors, but not as a primary use. For example, state law allows art studios to serve malt beverages or intoxicating liquors (assuming it has the appropriate liquor license) in conjunction with providing art lessons. At these establishments, the service of the beverage is not the primary use of the establishment, but the beverages are primarily consumed on the premises. This amendment will alleviate the confusion in how to classify such establishments.

The current zoning code also contains a use for an Artist, photographer studio, but does not contain a definition for that use. This amendment also creates a definition for that use.

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

Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by creating and amending herein the following:

Artist, photographer studio. A use primarily involving the limited on-site production of art, including, but not limited to, paintings, drawings, prints, and photographs, the incidental direct sale of art to consumers, and the limited provision of art classes to the general public.

"Tavern. An establishment where the principal and primary use is serving fermented malt beverages or intoxicating liquors primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use, and which does not include kitchen facilities."