



## Legislation Text

---

**File #:** 65071, **Version:** 1

---

No City appropriation required.

A Resolution authorizing musical performances and amplified sound in Streatery sidewalk cafes and outdoor eating areas during the COVID-19 recovery period, expanding the Streatery program to include Concert Halls, suspending enforcement of certain ordinances, and amending the Streatery Resolutions accordingly.

WHEREAS, on March 17, 2020, Public Health Madison & Dane County announced that community spread of COVID-19 was occurring in Dane County, with the first confirmed community death being reported on March 25; and

WHEREAS, throughout the COVID-19 Pandemic, the Mayor and Common Council have taken numerous actions to combat the severe effects of COVID-19 on the Madison community, including to Madison's economy and culture; and

WHEREAS, Common Council Resolutions # RES-20-00439 and # RES-20-00681 created the Streatery program to allow expanded outdoor dining options for restaurants and taverns due to the COVID-19 emergency in an effort allow restaurants and taverns greater opportunity to safely serve customers while observing all Public Health Madison Dane County regulations; and

WHEREAS, the Streatery Program has been an effective component to Madison's COVID-19 recovery strategy and, as a result, the Common Council recently extended the program through April 14, 2022, pursuant to Common Council Resolution # RES-21-00156; and

WHEREAS, in its current form, the Streatery Program does not contemplate or specifically allow amplified music performance or equipment in Streatery spaces; and

WHEREAS, Streatery Program participants have expressed a desire to have limited outdoor amplified music in their Streatery areas to enhance the Streatery experience and further assist with the COVID-19 recovery process, including for local musicians who have been unable to perform indoors for most of the pandemic; and

WHEREAS, in addition to Streatery Program participants, establishments approved as "Concert Halls" under the Zoning Code have expressed interest in establishing Streateries for the purpose of providing drink, catered food, and limited outdoor music to customers, but are not currently eligible for the Streatery program because they are not considered restaurants or taverns; and

WHEREAS, Madison contains a limited number of Concert Halls in Madison and each contains an indoor bar area for patrons that operates substantially like a tavern/concession area and, therefore, already have a liquor license that could be temporarily expanded under the Streatery program to allow the service of alcohol in a Streatery; and

WHEREAS, cities throughout the country are beginning to add outdoor music as a way of restoring important cultural and entertainment opportunities for its residents; and

WHEREAS, the Planning Division, working with Streatery participants and local musicians, have identified sidewalk cafés and restaurants and taverns with outdoor eating areas on private property, including those approved via the Streatery program, as venues where musicians can perform safely for Streatery customers;

and

WHEREAS, MGO § 24.04(3) already allows amplified sound between the hours of 12:00 noon and 1:30 p.m. and 5:00 p.m. and 7:00 p.m. every day of the week, except with certain permits that are not applicable to outdoor dining spaces; and

WHEREAS, in addition to these hours, staff and musicians have identified the hours of 3:00 p.m. to 8:00 p.m., Thursday-Saturday, as an optimal time for outdoor amplified music performance at Streateries.

NOW, THEREFORE, BE IT RESOLVED, enforcement of the ordinances and regulations governing equipment placement and activities in sidewalk cafés is hereby suspended to allow amplified musical performances in sidewalk cafés, including expanded sidewalk cafés approved under the previous Streatery resolutions, and the Street Vending Coordinator is authorized to approve any modifications to the sidewalk café license and/or existing Streatery approvals in order to allow music consistent with this Resolution; and

BE IT FURTHER RESOLVED that MGO § 24.04(3) is hereby suspended to allow for amplified sound in the spaces identified in this resolution between the hours of 3:00 p.m. and 8:00 p.m. Thursdays-Saturdays, in addition to the hours already authorized by MGO § 24.04(3); and

BE IT FURTHER RESOLVED that any establishment with an existing conditional use approval for outdoor eating areas may temporarily allow outdoor music as provided in this resolution; and

BE IT FURTHER RESOLVED that the definition of “sidewalk café” in MGO § 9.13(6)(e)8. is temporarily expanded to include Concert Hall in the Zoning Code and, therefore, in addition to Restaurants and Taverns, establishments holding zoning certificates of occupancy as Concert Halls are eligible to apply for Streatery; and

BE IT FURTHER RESOLVED that the existing Streatery Resolutions # RES-20-00439 and # RES-20-00681 are hereby amended consistent with this resolution; and

BE IT FURTHER RESOLVED that the activities authorized by this Resolution are only authorized to the extent they are consistent with the Streatery program and applicable state, local and federal public health orders, including those of Public Health Madison and Dane County; and

BE IT FINALLY RESOLVED that this Resolution shall remain in place until April 14, 2022, as authorized in Streatery Resolution # RES-21-00156.