



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 58225**

**File ID:** 58225

**File Type:** Ordinance

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** Attorney's  
Office/Approval  
Group

**Lead Referral:** ALCOHOL LICENSE  
REVIEW COMMITTEE

**File Created Date :** 11/12/2019

**File Name:** Expanding the Alcohol Overlay District

**Final Action:** 01/07/2020

**Title:** Amending Sections 28.127(1)(a) and (2), repealing Sections 28.127(3) and (4) of the Madison General Ordinances to expand the Alcohol Overlay District, remove the requirement that there be an annual review, and remove the previous sunset provision.

**Notes:** 6294overlay  
MAYORAL APPROVAL: 01/10/2020

**CC Agenda Date:** 01/07/2020

**Agenda Number:** 20.

**Sponsors:** Michael E. Verveer, Patrick W. Heck and Sally Rohrer

**Effective Date:** 01/17/2020

**Attachments:** Body, Zoning\_Text\_Memo120919.pdf

**Enactment Number:** ORD-20-00003

**Author:** John Strange

**Hearing Date:**

**Entered by:** dalthaus@cityofmadison.com

**Published Date:** 01/16/2020

### Approval History

Version	Date	Approver	Action
1		Michael May	Approved as to Form
1		Laura Larsen	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	11/12/2019	Referred for Introduction				
	<b>Action Text:</b> This Ordinance was Referred for Introduction						
	<b>Notes:</b> Alcohol License Review Committee (11/20/19); Public Safety Review Committee (11/20/19); Downtown Coordinating Committee (11/21/19); Plan Commission (12/9/19); Common Council (1/7/20)						

1	COMMON COUNCIL	11/19/2019	Refer	ALCOHOL LICENSE REVIEW COMMITTEE	11/20/2019	Pass
	<b>Action Text:</b> A motion was made by Bidar, seconded by Harrington-McKinney, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
	<b>Notes:</b> Additional Referrals to Public Safety Review Committee, Downtown Coordinating Committee, Plan Commission.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	11/19/2019	Refer	PUBLIC SAFETY REVIEW COMMITTEE	11/20/2019	
	<b>Action Text:</b> This Ordinance was Refer to the PUBLIC SAFETY REVIEW COMMITTEE					
	<b>Notes:</b>					
1	ALCOHOL LICENSE REVIEW COMMITTEE	11/19/2019	Refer	DOWNTOWN COORDINATING COMMITTEE	11/21/2019	
	<b>Action Text:</b> This Ordinance was Refer to the DOWNTOWN COORDINATING COMMITTEE					
	<b>Notes:</b>					
1	ALCOHOL LICENSE REVIEW COMMITTEE	11/19/2019	Refer	PLAN COMMISSION	12/09/2019	
	<b>Action Text:</b> This Ordinance was Refer to the PLAN COMMISSION					
	<b>Notes:</b>					
1	PUBLIC SAFETY REVIEW COMMITTEE	11/20/2019	Return to Lead with the Recommendation for Approval	ALCOHOL LICENSE REVIEW COMMITTEE	11/20/2019	Pass
	<b>Action Text:</b> A motion was made by Albouras, seconded by Heck, to Return to Lead with the Recommendation for Approval to the ALCOHOL LICENSE REVIEW COMMITTEE. Alder Albouras made a motion to accept the report. Alder Heck seconded the motion. It was requested from the Police Department to report back to the committee any updated information/analysis on an annual basis. The motion passed by voice vote/other.					
	<b>Notes:</b> Request Madison Police Department report back to PSRC any updated information/analysis on the overlay annually.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	11/20/2019	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING			Pass
	<b>Action Text:</b> A motion was made by Verveer, seconded by Cano Ospina, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.					
	<b>Notes:</b>					
1	DOWNTOWN COORDINATING COMMITTEE	11/21/2019	Return to Lead with the Recommendation for Approval	ALCOHOL LICENSE REVIEW COMMITTEE	11/20/2019	Pass

**Action Text:** Matt Tucker, City Zoning Administrator gave an overview of the proposed ordinance amendment.

Mayer asked about the motives for the ordinance when it was first created, and if there were metrics to gauge its success as he is concerned that the ordinance protects existing establishments. Tucker said there were no metrics, but that the Finance Division is preparing a report related to the larger issues of alcohol in the downtown.

Verveer gave a history of ALDO (Alcohol Density Ordinance), noting that it was changed and moved into the zoning code to provide better enforcement. Verveer added that the area was expanded to cover areas that had gotten more police calls for service, as well as a way to make the boundary more clear and simple. Verveer said that both the ALRC and the PSRB Committees had unanimously recommended approval of the amended ordinance.

Frank said that he has not hear objections from either the BID or DMI, and that he thinks this is reasonable change.

Torkildson said that she supports the ordinance as she has been concerned about the imbalance of dollars and resources that go towards the 600 block of University Avenue and State Street on weekend nights due to the alcohol served in a few establishments. The rest of the city ends up paying for the resources that only benefit a few businesses.

A motion was made by Crabb, seconded by Frank, to Return to Lead with the Recommendation for Approval to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

1	PLAN COMMISSION	12/09/2019	Return to Lead with the Recommendation for Approval	ALCOHOL LICENSE REVIEW COMMITTEE	11/20/2019	Pass
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**Action Text:** A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

**Notes:** On a motion by Cantrell, seconded by Rewey, the Plan Commission found the standards met and recommended approval of the zoning text amendment to the Alcohol License Review Committee and Common Council. The motion to recommend approval passed by voice vote/ other.

1	COMMON COUNCIL	01/07/2020	Adopt and Close the Public Hearing			Pass
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**Action Text:** A motion was made by Bidar, seconded by Harrington-McKinney, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.

There was 1 registrant in opposition.

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## Text of Legislative File 58225

### Fiscal Note

No significant fiscal impact is anticipated.

In 2017 and 2018, the City of Madison saw numerous alcohol-related incidents on the 600 block of University Avenue. These incidents led then-Mayor Paul Soglin to propose a moratorium on alcohol licenses for a select downtown area. The Common Council did not adopt this moratorium, but did commission the Finance Department and Public Health Madison Dane County to examine the density of alcohol licenses throughout Madison, and to determine if there is any relationship between alcohol license density and public service utilization.

On October 18, 2019, the Finance Department and Public Health Madison Dane County published the results of this study, available under Legistar File 57375. The study measured density by Census block group, finding dense areas downtown and in the City's retail centers (such as East Towne, West Towne, and Hilldale). The study utilized data from Madison Police

Department, Madison Fire Department, and Building Inspection to determine the relationship between density level of alcohol outlets and calls for service, controlling for differences between Census block groups including total population, percent employed, and percent poverty. The study found that higher levels of police calls for service and Building Inspection cases are associated with higher levels of alcohol outlet density, but Madison Fire Department calls are not. While the study did not make recommendations, it highlighted key areas of discussion including the need for data collection improvements to better understand alcohol license capacity in the City, as well as best practices from other municipalities in addressing alcohol outlet density.

**Title**

Amending Sections 28.127(1)(a) and (2), repealing Sections 28.127(3) and (4) of the Madison General Ordinances to expand the Alcohol Overlay District, remove the requirement that there be an annual review, and remove the previous sunset provision.

**Body**

DRAFTER'S ANALYSIS: This ordinance amends Section 28.127 of the Madison General Ordinances, the Alcohol Overlay District, to expand the boundaries of the district. This ordinance also removes the requirement that there be an annual review by the Alcohol Policy Coordinator. This ordinance removes the previous sunset provision, which required the Common Council to renew the Alcohol Overlay District after five (5) years. Finally, this ordinance adds Incidental Alcohol Sales as defined in Section 28.211 of the Madison General Ordinances to the list of permitted uses in the Alcohol Overlay District.

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The Common Council of the City of Madison do hereby ordain as follows:  
Please see "Body" in Attachments.

## CITY OF MADISON, WISCONSIN

AN ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRED

November 19, 2019  
ALRC (11/20/19); PC  
(12/9/19); CC (1/7/19)

Amending Sections 28.127(1)(a) and (2),  
repealing Sections 28.127(3) and (4) of the  
Madison General Ordinances to expand the  
Alcohol Overlay District, remove the requirement  
that there be an annual review, and remove the  
previous sunset provision.

Drafted by: John Strange

Date: November 12, 2019

SPONSORS: Alder Verveer

DRAFTER'S ANALYSIS: This ordinance amends Section 28.127 of the Madison General Ordinances, the Alcohol Overlay District, to expand the boundaries of the district. This ordinance also removes the requirement that there be an annual review by the Alcohol Policy Coordinator. This ordinance removes the previous sunset provision, which required the Common Council to renew the Alcohol Overlay District after five (5) years. Finally, this ordinance adds Incidental Alcohol Sales as defined in Section 28.211 of the Madison General Ordinances to the list of permitted uses in the Alcohol Overlay District.

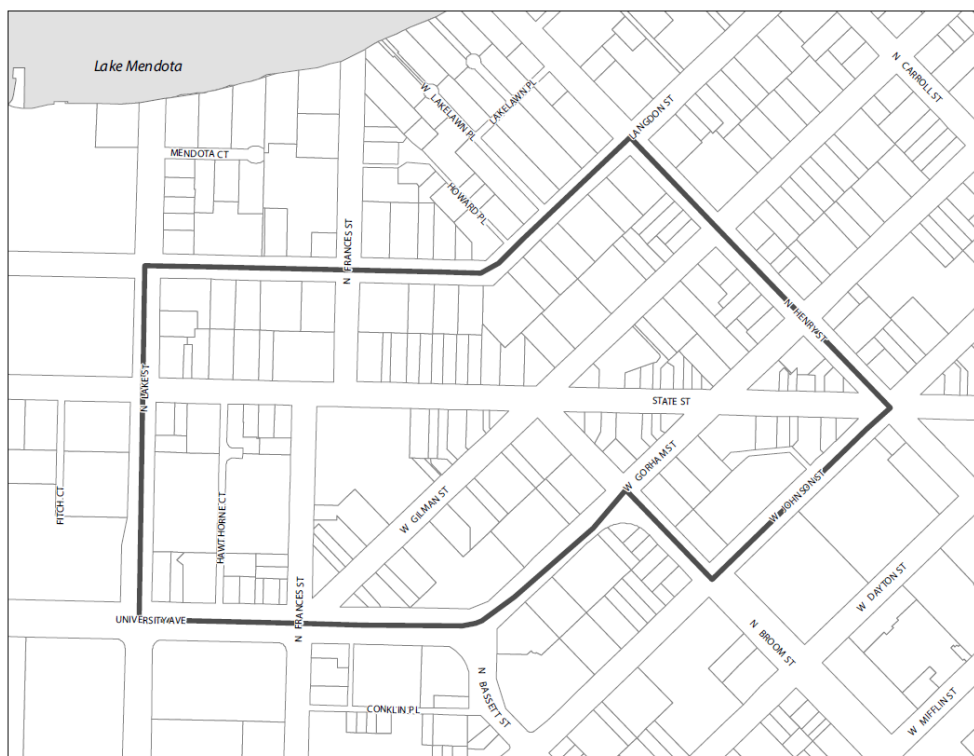
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The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (a) entitled "Alcohol Overlay District map" of Subsection (1) entitled "Applicability" of Section 28.127 entitled "Alcohol Overlay District" of the Madison General Ordinances is amended to read as follows:

"(a) Alcohol Overlay District map.

Approved as to form:



2. The Table entitled “Table 28H-1” of Section (2) entitled Permitted and Conditional Uses” of Section 28.127 entitled “Alcohol Overlay District” of the Madison General Ordinances is amended by amending herein to read as follows:

	“Alcohol Overlay District	Supplemental Regulations
Food and Beverages		
Incidental Alcohol Sales	<u>P</u>	
Tavern”		

3. Section (3) entitled “Annual Review” and Section (4) of Section 28.127 entitled “Alcohol Overlay District” of the Madison General Ordinances are hereby repealed.

EDITOR'S NOTES:

Sections 28.127(3) and (4) currently read as follows:

- “(3) Annual Review. The effect of this ordinance shall be reviewed every year. A report shall be prepared by the Alcohol Policy Coordinator with assistance from the Zoning Administrator and Madison Police Department. The report shall be shared with the Alcohol License Review Committee, Plan Commission, and Common Council. The report will be due December 1 of each year, with the first report due December 1, 2015. This report should include information regarding:
- (a) The number and types of establishments in each district;
  - (b) The number of nonconforming uses in the Alcohol Overlay District;
  - (c) The number and kind of any conditional uses approved in each district;
  - (d) Feedback provided by the public, including business owners, throughout the calendar year;
  - (e) Feedback from the Madison Police Department regarding any public safety issues arising from or impacted by this ordinance; and,
  - (f) Feedback from the Zoning Administrator regarding any land use issues arising from or impacted by this ordinance. In addition, the report should include any other information

- gathered by City staff that may be relevant to the various committees and Common Council regarding the impact of this ordinance across the City and in the new Alcohol Overlay District.
- (4) This section is effective July 1, 2014 and shall expire and be of no legal effect on December 31, 2019, unless extended by the Common Council prior to the expiration date. The Common Council shall be notified of this provision by City staff at least one hundred twenty (120) days prior to this date."