CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
Amending Zoning Code Section 78-810 of the Stoughton Municipal Code			
Committee Action:	Plan Commission recommends approval 6 - 0		
Fiscal Impact:	None		
File Number:	O-4- 2021	**First Reading:**	January 26, 2021
		Second Reading:	February 9, 2021

The Common Council of the City of Stoughton do ordain as follows:

Sec. 78-810 – General Construction Standards

All signs constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

(1) *Banners, pennants, streamers, feather flags and strings of lights.* No banners, pennants, streamers, feather flags, strings of lights or any other similar sign shall be permitted, except:

(a) For churches, schools, civic and nonprofit organizations.

(b) For residential requirements see section 78-811.

(c) For business and industrial districts, provided that banners, pennants, streamers and strings of lights are affixed to the front wall and that lights do not flash. Strings of lights may also be affixed to vegetation. Banners must comply with the requirements of front wall signs per subsection 78-814(1). Banners and other similar temporary signs for the front wall are exempt when placed for no more than 30 days.

(d) For business districts, each parcel is allowed one feather flag per street frontage with a maximum height of 12 feet and maximum width of 3 feet. Feather flags shall be removed when business is not open. Feather flags shall be setback a minimum of 3 feet from any side lot line.

(~~d~~e) For the Main Street Historic District: one avenue banner up to 10 square feet in area is allowed for each private light pole. An avenue banner is attached at the top and bottom of the banner to the light pole. Avenue banners shall be removed or replaced within 30 days of notice when faded to the point of illegibility or when damaged in any way.

This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted:_____

Mayor Approved: _____ _____

Tim Swadley, Mayor

Published:_____

Attest:_____ _____

Holly Licht, City Clerk

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: December 30, 2020

To: Plan Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the January 11, 2021 Plan Commission Meeting and Common Council Meetings of January 26 and February 9, 2021

Request by Phil Harrison to amend banner and flag signage regulations.
In 2009 the signage regulations of the zoning code were repealed and recreated. We believe the intent at that time was to limit the distractions, clutter and unattractiveness that comes with most banners and flag type signage.

We believe the regulations related to sandwich boards and flags in the downtown area were requested from the Chamber of Commerce and some downtown business owners. These signs are in the public right-of-way and not regulated by zoning rather the regulations are in chapter 64, Street, Sidewalks and Other Public Places.

We are currently in the process of updating the zoning signage section of the zoning code to meet the changes in State law including the section in chapter 64. This will likely be a 1-2 year process.

CITY OF STOUGHTON REQUIREMENTS:

WHERE ARE BANNERS CURRENTLY ALLOWED?

- Exempt for commercial building front walls for up to 30 days. After 30 days banners require a permit and are treated like front wall signage. All banners have to meet the square footage requirements for front wall signage. (10% of wall, maximum 165 sq. ft.)
- Exempt for residential uses.
- Exempt for churches, schools and non-profit organizations but may only be placed 30 days before an event and 3 days after.

WHERE ARE (FEATHER) FLAGS FOR ADVERTISING CURRENTLY ALLOWED?

- No permit is required for one "open" flag per business along Main Street from Page Street to Hillside Street which are placed only on Sundays. In the absence of an existing flag pole hole in the concrete, the business shall utilize an above-grade holder, positioned in-line with existing in-ground flag pole holes.

WHERE ARE SANDWICH BOARD SIGNS CURRENTLY ALLOWED?

- A permit is required for portable sandwich board-type signs on Main Street, between Hillside and Page Streets, adjacent to streets, on the sidewalk or on the parkrow, in the right-of-way. The signs can be a maximum of 4 feet tall, 3 feet wide and 12 square feet in area. Other requirements listed below.

WHAT DO OTHER COMMUNITIES ALLOW FOR BANNERS AND FEATHER FLAGS?
(NOTE: THESE CODES ARE DIFFICULT TO INTERPRET)

VILLAGE OF OREGON

- Feather flags and banners are not allowed.

CITY OF SUN PRAIRIE

- 3 wave banners (feather flags) per lot with 1 additional for every 200 feet of frontage. Maximum 14 feet in height and 3 feet in width. No permit required.
- 3 flags per lot and 1 additional for every 200 feet of frontage. No permit required.

CITY OF VERONA

- Feather flags and banners not allowed.

CITY OF FITCHBURG

- Permit commercial banners for up to 45 days per calendar year and they can be up to 40 square feet in area.

VILLAGE OF MCFARLAND

- Generally allow banners by permit for up to 30 days.
- Permitted for churches, schools and non-profit organizations but may only be placed 30 days before an event and 3 days after.

CITY OF STOUGHTON CODE SECTIONS RELATED TO BANNERS, FLAGS AND SANDWICH BOARD SIGNAGE:

CHAPTER 78 ZONING

Sec. 78-803. - Sign Permit Required.

(2) *Exemptions.* The following shall be exemptions to the sign permit and fee requirements in subsection (1) of this section:

(a) Flags or emblems of a government, sign of political, civic, philanthropic, educational or religious organizations displayed on private property. Political campaign signs must be removed within one week after election. Only one sign per candidate or political issue is permitted per lot.

(h) Signs accessory to residential uses permitted by subsections 78-811(1), (2) and (3), section 78-812 and subsections 78-814(1)f, 78-814(7) and 78-814(8).

(i) Signs accessory to churches, schools or nonprofit institutions permitted by section 78-813

Sec. 78-811. - Signs accessory to residential uses.

(3) *Temporary signs, banners and strings of lights.* Temporary signs, banners and strings of lights shall be permitted subject to the following regulations:

(a) Temporary signs, banners and strings of lights shall be located only on property occupied by the person contracting or placing the sign, banner or strings of lights.

[(b) Reserved.]

(c) Temporary signs used for birth announcements, graduations, anniversaries and other special events may be displayed no longer than ten consecutive days.

(d) No more than one temporary sign is permitted per dwelling unit. No such sign shall exceed 12 square feet in area, four feet in height or three feet in width.

(e) No temporary sign shall be illuminated or equipped with moving parts.

(f) All temporary signs shall be constructed of materials sufficient to withstand heavy winds and shall be firmly anchored to the ground in a suitable manner.

Sec. 78-813. - Signs accessory to churches, schools, or non-profit institutions.

No sign accessory to any church, school or nonprofit institution shall be permitted except in compliance with the following regulations:

(2) Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution, or civic organization or on public lands approved by the zoning administrator, and may be displayed only during a period commencing 30 days prior to the scheduled event and ending three days after closing date of the scheduled event.

Sec. 78-810. - General construction standards.

All signs constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

(1) *Banners, pennants, streamers and strings of lights.* No banners, pennants, streamers, strings of lights or any other similar sign shall be permitted, except:

(a) For churches, schools, civic and nonprofit organizations.

(b) For residential requirements see section 78-811.

(c) For business and industrial districts, provided that banners, pennants, streamers and strings of lights are affixed to the front wall and that lights do not flash. Strings of lights may also be affixed to vegetation. Banners must comply with the requirements of front wall signs per subsection 78-814(1). Banners and other similar temporary signs for the front wall are exempt when placed for no more than 30 days.

(d) For the Main Street Historic District: one avenue banner up to 10 square feet in area is allowed for each private light pole. An avenue banner is attached at the top and bottom of the banner to the light pole. Avenue banners shall be removed or replaced within 30 days of notice when faded to the point of illegibility or when damaged in any way.

CHAPTER 64 STREETS AND RIGHT-OF-WAYS

Sec. 64-9. - Street and right-of-way use.

(a) *Purpose.* The purpose of this section is to provide uniform, comprehensive standards and regulations regarding street openings, encumbrances, temporary commercial street signs, private property in street rights-of-way, and the procedure for requesting approval to improve or vacate alleys and rights-of-way.

(b) *Street opening and encumbrance permits.*

(1) A permit issued by city representatives shall be required for the following:

a. Excavation in any public right-of-way.

b. Any obstruction or encumbrance of a public way, for more than two hours. A dumpster is an example of an obstruction.

c. The moving of any building along or across any public way.

d. Fee for permits shall be adopted by Resolution by the Common Council.

(2) Exceptions. Subsection (a) shall not apply to the following:

a. Signs, clocks or awnings attached to a building which project not more than three feet into the public right-of-way and which do not extend below any point nine feet above the sidewalk or sixteen feet above a street or alley.

b. Public utility encumbrances.

c. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for more than two hours.

d. Sandwich board signs regulated under subsection (f).

(f) *Sandwich board signs.*

(1) Portable sandwich board-type signs are permitted on Main Street, between Hillside and Page Streets, adjacent to streets, on the sidewalk or on the parkrow, in the right-of-way as follows:

(2) Permit required. A permit from the department of planning and development shall be required for sandwich board signs which shall meet the following standards:

a. The maximum size shall be 12 square feet with a base width not exceeding three feet.

b. Height shall not exceed a maximum of four feet.

c. Sign shall be setback 2 feet minimum from curb face. An unobstructed area of four feet shall be provided for pedestrian traffic.

d. Signs shall not be illuminated or reflective.

e. Not more than one such sign permitted per business.

f. Signs must be stored inside overnight and/or when the business is closed.

g. These signs are permitted only on Main Street, between Hillside and Page Street because this area is a unique business district in the city, and because of the historic nature of the area.

h. Any business that fails to comply with the provisions of this section, after receiving one warning, will lose its privilege to display a sandwich board sign for a six-month period.

(g) Private property in street rights-of-way.

(1) Private property adjacent to streets, in street rights-of-way, is permitted as follows:

(2) Permit required. A permit from the street superintendent shall be required for the following:

Any structure, installation or construction adjacent to the street, in the public right-of-way or park row, of private property for longer than 90 consecutive days, such as lamp posts, hitching posts, benches, sculpture or other art, decoration or improvement. Except that no permit is required for one "open" flag per business along Main Street from Page Street to Hillside Street which are placed only on Sundays. In the absence of an existing flag pole hole in the concrete, the business shall utilize an above-grade holder, positioned in-line with existing in-ground flag pole holes.

Hi all (CC: plan commission and CACP leadership),

I've had a few conversations with Phil from Rise and Grind, the coffee truck that has been set up near Pick N Save, about the signage they are using for their business. They have been using tall banner flags (can be seen on their Facebook page or in person) and got notice from the planning department that they were in violation of signage ordinances.

Phil is a city resident who can make his case better than I, but he is requesting a way to accommodate such flags within city ordinance. To me, this is a reasonable request that does no harm in a time when the service industry is really struggling. But I recognize there must be a history of similar requests. Tim or Tom, Is there context you could add about why the sign ordinance is the way it is?

This also intersects with CACP's conversations around regulating food trucks. I'm not sure we had given much thought to this angle.

Ben Heili
Alder, 4th District
Stoughton, WI

Name: Phil Harrison
Address: 1528 W Main St #2
Stoughton, WI
Email Address: riseandgrindcoffeellc@gmail.com
Phone: (608)408-0431
Agenda Item: Signage zoning
I am:
Neither in favor nor opposed
I would like to:
I would like to call in and speak
Comments: I have spoke with Michael Stacey, Mayor Swadley, and Alderman Heili in regards to the ordinance banning the use of feather flag signage, specifically to promote my business of Rise & Grind Coffee, the mobile coffee cart that operates in Pick 'n Save parking lot. I was instructed that the next people I should speak with is the Planning Commission. I would like to speak with the commission regarding possible rewording of, the fairly confusing, signage ordinance. I would like to discuss the possibility for allowance of feather flag type signage to be part of that process. At a time when the service industry and local small businesses need all the help they can get, I feel that the prevention of this sort of advertising is not conducive or welcoming to these sort of businesses. Businesses across dane county (downtown Stoughton included) use this sort of advertising without any issue... why is the rest of Stoughton different? I look forward to speaking with the commission, hopefully on 11/9. Thank you.

Mayor Swadley closed the public hearing.

Motion by **Barman** to recommend the Common Council approve the ordinance amendment as presented, 2nd by **Schumacher**.

Motion carried unanimously.

7. **Request by Phil Harrison to discuss the regulations for flags and banners used for commercial signage.**
Phil Harrison explained that they are 2 year residents of Stoughton. They had observed "feather flags" elsewhere and thought they could be put up without a permit.

Commissioner Barman indicated as a local business owner he had previously inquired about "feather flags" for his own business and found they were not allowed. He stated it is a difficult time to invest in permanent signage.

Selsor suggested that Barman should recuse himself from voting on this item.

It was suggested that "sandwich board" type signs are better suited for pedestrian traffic vs. vehicular traffic.

Caravello suggested he may be willing to consider 1 feather flag per business with the message "Open".

There was discussion about possibly allowing one wave banner per lot to be used only when the business is open.

Barman suggested maybe considering one for each building per street frontage so a corner building would be allowed one on each street.

Majewski is concerned about the density of feather flags and suggested maybe one per lot in the downtown area. They should not be allowed in the right of way except in the downtown district.

The Commissioners would like staff to draft language for them to consider at the next meeting. They suggested we may need to include the City Attorney into the discussion.

No motions were made.

8. **Discuss potential zoning code amendments to allow mobile food vending on private property.**
Majewski is ok with 180 days but indicated 90 days may be better. Schumacher indicated support for 90 to 180 days.

Barman indicated Portland, OR has a system where they review mobile vending as part of a site plan. Mobile vending has been incorporated into strategies to encourage business activity in communities.

There was agreement to amend a portion of section 7 to read, "All pools, including those pools existing at the time of passage of this section, shall comply with the fencing requirements of this section."

Motion by **Barman** to recommend the Common Council approve the proposed ordinance as amended, 2nd by **Robinson**. Motion carried unanimously.

7. **Request by Phil Harrison to discuss the regulations for flags and banners used for commercial signage.** (Tabled on November 9, 2020)
Scheel explained the proposed ordinance amendments.

Barman suggested instead of allowing each business to have a feather flag, allow one feather flag per street frontage. This will prevent clutter.

Business districts in the City include: Planned Business, Neighborhood Business and Central Business.

The group discussed how this would affect the downtown. Scheel stated zoning regulates private property not signage within the public right-of-way. A separate ordinance regulates what is placed in the right-of-way in Ordinance Section 64-9.

A public hearing will be set for January 11, 2021.

8. **Discuss potential zoning code amendments to allow mobile food vending on private property.** (Tabled on November 9, 2020)
Scheel introduced Attorney Rachel Snyder who has been working on mobile vending ordinance amendments for the City.

Rachel Snyder gave an overview of the proposed ordinance amendments including handling mobile vending by licensing vs zoning.

Schumacher questioned whether the language would affect private use in a residential district. Rachel Snyder stated the intent is to regulate venders selling a product for consumption to the general public. A vendor hired by a resident to serve guests at a home would generally not be covered under these regulations. Schumacher would like to see language added to be clear that this does not apply for private residential use.

Barman stated there is considerable redundancy between General Temporary Outdoor Sales and Mobile Food Vending. Barman believes these 2 sections should be combined.

The group discussed whether or not to combine the sections. Consensus is to not combine the sections because one section is for temporary outdoor sales while mobile vending may become more permanent.

Barman stated the limit of 180 days/year will be a discussion point.

8. **Request by Dale Beske for extra-territorial jurisdictional land division approval (CSM) for property located at 1357 Tower Drive, Town of Dunkirk.**
   Scheel introduced the request. Dale Beske explained the request.

   Motion by **Selsor** to recommend the Common Council approve the resolution as presented, 2nd by **Caravello**. Motion carried unanimously.

9. **Request by Andrew Walker for extra-territorial jurisdictional land division approval (CSM) for property located at 2967 Shadyside Drive, Town of Pleasant Springs.**
   Scheel explained the request.

   Motion by **Schumacher** to recommend the Common Council approve the resolution as presented, 2nd by **Selsor**. Motion carried unanimously.

10. **Request by Phil Harrison to amend the zoning code to allow flags and banners for commercial signage.**
    Scheel gave an overview of the request.

    Mayor Swadley opened the public hearing.

    Selsor questioned if a setback is required from the side lot line. Scheel stated setback is not typically an issue.

    Phil Harrison stated he appreciates the reasonable accomodation for changes to the ordinance.

    Stacey stated there is no current required setback for any signage.

    Barman questioned if there is a better place in the ordinance for setback requirements instead of setting a precedence for feather flags.

    Scheel stated we plan to rewrite the sign ordinance and setback will be part of that process.

    There was mutual agreement to require a 3-foot setback from side lot lines for feather flags.

    Mayor Swadley closed the public hearing.

    Motion by **Selsor** to recommend the Common Council approve the ordinance contingent on requiring a 3-foot setback from side lot lines for the feather flags, 2nd by **Schumacher**. Motion carried 6-0 (Barman abstained).

11. **Proposed amendments to the zoning code to allow mobile food vending on private property and clarify general outdoor sales regulations.**
    Rachel Snyder gave an overview of the proposed ordinance and stated another attorney review is in the works.