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

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RODNEY J. SCHEEL
DIRECTOR

Date: January 7, 2021

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

Proposed amendments to the zoning code to allow mobile food vending on private property and clarify general outdoor sales regulations.
Due to recent increased interest in mobile food vending, staff has worked with the City Attorney Rachel Snyder to draft the provided ordinance amendments. A public hearing and recommendation to Council is necessary.

Currently, mobile food vending on private property is not specifically covered within the zoning code. Mobile food vending is not proposed to be allowed in residential or Central Business District areas (downtown).

Some discussion points are:

- Mobile food vending is seen as a temporary use. Should this be considered a more permanent use? The current proposal is to allow mobile food vending for up to 180 days per calendar year per vendor.
- We are in the process of updating our sign ordinance. What type of signage should be allowed for mobile food vending or temporary uses in general. Currently, temporary uses can have 2 square foot signage placed on private property. Signage on a vehicle is not typically regulated.

StaffordRosenbaum LLP
Attorneys

Confidential Memorandum
Privileged Lawyer-Client Communication

To Mayor Tim Swadley
Rodney Scheel, Director of Planning and Development
Michael Stacey, Zoning Administrator

From Rachel E. Snyder

Cc Matthew P. Dregne

Date January 7, 2021

Re Proposed Mobile Food Vending Ordinance

The City of Stoughton Plan Commission is considering an ordinance to regulate the operation of mobile food vending, commonly called food trucks, within the City. This memorandum describes the proposed ordinance, as presented for public hearing on January 11, 2021. Under current City of Stoughton ordinances, mobile food vending is not expressly regulated, but it has historically been permitted as a temporary use under the "General temporary outdoor sales" land use category or as part of a licensed special event. Broadly, the proposed ordinance amends the "General temporary outdoor sales" temporary land use category, creates two new temporary land use categories that specifically address mobile food vending, and amends the temporary use permit application process applicable to all temporary land uses.

GENERAL TEMPORARY OUTDOOR SALES

The proposed ordinance amends the "General temporary outdoor sales" land use category in several ways. First, it specifies that general temporary outdoor sales occur only on private property. Second, the proposed ordinance expressly requires the following in order for a person to initially obtain a temporary use permit for general temporary outdoor sales:

- Submit and receive approval of a site plan from the zoning administrator.
- Submit to the zoning administrator written authorization from the private property owner upon which the general temporary outdoor sales will occur.

Third, the proposed ordinance requires that a person comply with the following in order to engage in general temporary outdoor sales under an approved permit:

- Not display or sell items in the public right-of-way or in any required bufferyard or landscaped area.
- Not use any required parking for the existing uses of the site.
- Not impair traffic or pedestrian flow or obstruct vision for intersecting streets, driveways, sidewalks, or other traffic areas.
- Comply with temporary sign requirements under the City zoning regulations.
- If located next to residential property, operate only during daylight hours.
- Not create a nuisance for neighboring properties, including with noise, lighting, dust, trash, and late operating hours.

Fourth, the proposed ordinance specifies person may obtain a temporary use permit for a particular general temporary outdoor sales activity no more than once per calendar year, and each permit issued must be issued for a specified number of days, not to exceed 180 consecutive days.

Fifth, the proposed ordinance repeals the "Outdoor Sales of Farm Products" temporary land use category and permits general temporary outdoor sales in all zoning districts in which only the outdoor sales of farm products is currently allowed. In other words, the proposed ordinance consolidates two temporary outdoor sales land uses (farm products and general) into one (general). The effect of this change is to allow a broader range of temporary outdoor sales activities in zoning districts in which only the outdoor sales of farm products is currently allowed (Rural Holding, Exurban Residential, Planned Industrial, and General Industrial).

MOBILE FOOD VENDING

The proposed ordinance creates a new temporary land use category for mobile food vending, which is defined to mean the retail sale of food or beverages to the general public from a mobile food vending vehicle. Except for mobile food vending at licensed special events, the proposed ordinance does not regulate mobile food vending or mobile food vending vehicles that are not open for sales to the general public, such as mobile food vending vehicles rented for use at and only accessible to a private event held on private property.

Under the proposed ordinance a person must do the following in order to obtain and engage in mobile food vending under a temporary use permit:

- Submit and receive approval of a site plan from the zoning administrator.
- Submit to the zoning administrator written authorization from the property owner upon which the mobile food vending will occur.
- Be licensed to sell food and beverages by the State of Wisconsin or by Public Health Madison & Dane County.
- Comply with all State of Wisconsin and Public Health Madison & Dane County food preparation and sanitation regulations.
- Not engage in mobile food vending in the public right-of-way or in any required bufferyard or landscaped area.
- Not use any required parking for the existing uses of the site.
- Not operate within 500 feet of City-licensed special events and other City-approved events unless the mobile food vending is part of the event.
- Not impair traffic or pedestrian flow or obstruct vision for intersecting streets, driveways, sidewalks, or other traffic areas.
- Comply with temporary sign requirements under the City zoning regulations.
- Operate only between the hours of 7:00 a.m. and 9:00 p.m.
- Not create a nuisance for neighboring properties, including with noise, lighting, dust, trash, and late operating hours.
- Not connect to a public source electricity, water, or sewer.

A person must obtain a temporary use permit for each mobile food vending vehicle to be operated within the City. A temporary use permit for a specific mobile food vending vehicle may be issued no more than once per calendar year, and each permit issued must be issued for a specified number of days, not to exceed 180 consecutive days. Under the proposed ordinance, mobile food vending is a permitted temporary use in all zoning districts except Central Business and residential districts.

The proposed ordinance requires that a person seeking to engage in mobile food vending obtain only a temporary use permit, not a separate license from the City Clerk. Under current City ordinances, all temporary uses require review and approval from the zoning administrator.[1] By regulating mobile food vending only through zoning, the proposed ordinance attempts to reduce duplicative City review and oversight.

MOBILE FOOD VENDING AT SPECIAL EVENTS

The proposed ordinance creates a new temporary land use category for mobile food vending at special events. Under current City ordinances, a "special event" is "any planned

[1] City of Stoughton Code of Ordinances § 78-906.

extraordinary occurrence on the public right-of-way or public premises including, but not limited to, parades, processions, bicycle or foot races, festivals or celebrations or any event occurring on public or private property in which alcoholic beverages are to be served which require the issuance of a temporary Class "B" retailer's license."[2] Such special events require a special event license from the City, which is issued by the City Clerk after review and approval from the police chief and the street superintendent.[3]

Under the proposed ordinance, mobile food vending is a permitted temporary use in conjunction with a licensed special event. To obtain the approval of the zoning administrator, person seeking a temporary use permit must submit a site plan and demonstrate the following:

- The special event licensee authorizes the operation of the mobile food vending vehicle as part of the special event.
- The mobile food vending vehicle will be located on premises controlled by the special event licensee.
- The mobile food vending vehicle is licensed to sell food and beverages by the State of Wisconsin or by Public Health Madison & Dane County.

A mobile food vending vehicle authorized to operate in conjunction with a special event must operate as follows:

- In strict conformance with any conditions imposed under the special event license.
- Only during the hours approved for the special event.
- In compliance with all food preparation and sanitation regulations of the State of Wisconsin and Public Health Madison & Dane County.

TEMPORARY USE REVIEW AND APPROVAL PROCEDURES

The proposed ordinance also amends the review and approval procedures for all temporary uses. Specifically, the proposed ordinance repeals a requirement that an applicant for a temporary use permit submit a map of the subject property to the zoning administrator, instead requiring the submission of a site plan, repeals language that permits land uses that fail to meet one of the temporary use requirements to be reviewed as a conditional use, and clarifies that no temporary use permit, instead of a building permit, will be issued for an application that does not comply with all requirements of the zoning code.

[2] City of Stoughton Code of Ordinances § 14-470.
[3] City of Stoughton Code of Ordinances §§ 14-471, 14-472.

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

ORDINANCE OF THE COMMON COUNCIL		
Amending Zoning Code Sections Related to Outdoor Sales, Mobile Vending and Mobile Vending at Special Events		
Committee Action:	Plan Commission recommends approval - 0	
Fiscal Impact:	None	
File Number:	O - - 2021	**Date Introduced:**

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

Section 1. Sec. 78-015 is amended to remove "Outdoor sales of farm products (land use): See subsection 78-206(9)(g)" and to include the following definitions:

Mobile food vending: See subsection 78-206(9)(j).

Mobile food vending at special events: See subsection 78-206(9)(k).

Mobile food vending vehicle: means a commercially manufactured, self-contained, movable motor vehicle or trailer in which food is cooked, wrapped, packaged, processed, or portioned for services, sale, or distribution. Mobile food vending vehicles do not include vehicles that are used solely to transport or deliver food or a common carrier regulated by the state or federal government.

Mobile food vendor: A person who owns a mobile food vending vehicle or who operates or conducts any activities from a mobile food vending vehicle.

Section 2. Sec. 78-105(1)(a)4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Rural Holding (RH) District:

General Temporary Outdoor Sales (per subsection 78-206(9)(a))

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 3. Sec. 78-105(2)(a)4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Exurban Residential (ER-1) District:

General Temporary Outdoor Sales (per subsection 78-206(9)(a))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 4. Sec. 78-105(2)(b)4. is amended to add the following to the list of temporary land uses in the Single-Family Residential-3 (SR-3 District):

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 5. Sec. 78-105(2)(c)4. is amended to add the following to the list of temporary land uses in the Single-Family Residential-4 (SR-4) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 6. Sec. 78-105(2)(d)4. is amended to add the following to the list of temporary land uses in the Single-Family Residential-5 (SR-5) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 7. Sec. 78-105(2)(e)5. is amended to add the following to the list of temporary land uses in the Single-Family Residential-6 (SR-6) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 8. Sec. 78-105(2)(f)4. is amended to add the following to the list of temporary land uses in the Two-Family Residential-6 (TR-6) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 9. Sec. 78-105(2)(g)4. is amended to add the following to the list of temporary land uses in the Multi-Family Residential-10 (MR-10) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 10. Sec. 78-105(2)(h)4. is amended to add the following to the list of temporary land uses in the Multi-Family Residential-24 (MR-24) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 11. Sec. 78-105(3)(a)5. is amended to add the following to the list of temporary land uses in the Neighborhood Office (NO) District:

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 12. Sec. 78-105(3)(b)4. is amended to add the following to the list of temporary land uses in the Planned Office (PO) District:

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 13. Sec. 78-105(4)(a)5. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Neighborhood Business (NB) District:

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 14. Sec. 78-105(4)(b)4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Planned Business (PB) District:

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 15. Sec. 78-105(4)(c)4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Central Business (CB) District:

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 16. Sec. 78-105(5)(a)4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Planned Industrial (PI) District:

General Temporary Outdoor Sales (per subsection 78-206(9)(a))

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 17. Sec. 78-105(5)(b)4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the General Industrial (GI) District:

General Temporary Outdoor Sales (per subsection 78-206(9)(a))

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 18. Sec. 78-105(5)(c)4. is amended to add the following to the list of temporary land uses in the Heavy Industrial (HI) District:

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 19. Sec. 78-105(6)(a) 4. is amended to remove "Outdoor Sales of Farm Products (per subsection 78-206(9)(g))" from and to add the following to the list of temporary land uses in the Institutional (I) District:

Mobile food vending (per subsection 78-206(9)(j))

Mobile food vending at special events (per subsection 78-206(9)(k))

Section 20. Sec. 78-206(9)(a) is amended to read:

(a) *General temporary outdoor sales.*

Description: ~~Includes the~~ The temporary display and sale of any items, on private property and outside the confines of a building, ~~which~~ that is not otherwise ~~permitted as a permitted conditional use, or a special event otherwise~~ regulated by the City Municipal Code. Examples of this land use include but are not limited to: seasonal garden ~~shops~~ sales, ~~tent~~ fireworks sales, vegetable and fruit sales, and Christmas tree sales.~~, bratwurst stands, and up to three garage sales per year.~~

1. *Temporary use regulations*:

   a. ~~The user shall provide a layout of the activities to the director of planning and development for approval prior to any activity.~~ Prior to commencing any activities under this subsection, a site plan of the subject property must be approved by the zoning administrator. The site plan must conform to all applicable requirements of subsection 78-908(3), as determined by the zoning administrator.

   b. The temporary use must be approved under section 78-906.

   c. The person seeking approval of the temporary use must obtain, and submit to the zoning administrator, written authorization from the property owner.

d. A temporary use permit issued under this subsection shall be issued for a specified number of days, but no more than 180 consecutive days.

e. A person may be issued a temporary use permit for a particular activity no more than once per calendar year.

f. The display and sale of items shall not be permitted in the public right-of-way nor in any required bufferyard or landscaped area.

g. The temporary use shall not use any required parking for the existing uses of the site.

h. The temporary use shall not impair traffic or pedestrian flow, nor shall it obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas.

i. Signage shall comply with the requirements for temporary signs in subsection 78-811(3).

j. If the temporary use is located on property adjacent to residential property, sales and display activities shall be limited to daylight hours.

k. The temporary use shall not create a nuisance for neighboring properties, including those related to noise, lighting, dust, trash and late operating hours.

Section 21. Sec. 78-206(9)(g) is repealed.

Section 22. Sec. 78-206(9)(j) is created to read:

(j) *Mobile food vending*.

Description: Mobile food vending is the retail sale of food or beverages to the general public from a mobile food vending vehicle. A mobile food vending vehicle may operate in any zoning district except in the Central Business District and residential districts.

1. Regulations:

a. Prior to commencing any activities under this subsection, a site plan of the subject property must be approved by the zoning administrator. The site plan must conform to all applicable requirements of subsection 78-908(3), as determined by the zoning administrator.

b. The temporary use must be approved under section 78-906.

c. The person seeking approval of the temporary use must obtain, and submit to the zoning administrator, written authorization from the property owner.

d. Mobile food vending shall not be permitted in the public right-of-way nor in any required bufferyard or landscaped area.

e. A temporary use permit issued under this subsection shall be issued for a specified number of days, but no more than 180 consecutive days.

f. A person may be issued a temporary use permit for mobile food vending no more than once per calendar year per mobile food vending vehicle.

g. A mobile food vending vehicle shall not use any required parking for the existing uses of the site.

h. Mobile food vending shall not impair traffic or pedestrian flow, nor shall it obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas.

i. Signage shall comply with the requirements for temporary signs in subsection 78-811(3).

j. Mobile food vending may occur only between the hours of 7:00 a.m. and 9:00 p.m.

k. Mobile food vending shall not create a nuisance for neighboring properties, including those related to noise, lighting, dust, trash and late operating hours.

l. A mobile food vendor must comply with all food preparation and sanitation regulations of the Wisconsin Food Code and Public Health Madison & Dane County, and each mobile food vending vehicle must be licensed to sell food and beverages by Public Health Madison & Dane County or by the State of Wisconsin.

m. To encourage the success of City-licensed special events or other City-approved events, no mobile food vending vehicle shall be permitted within five hundred (500) feet of the event premises during the hours approved for such event, unless the mobile food vending unit is part of the aforementioned event.

n. Connection of a mobile food vending vehicle to a public source of electricity, water, or sewer is prohibited.

Section 23. Sec. 78-206(9)(k) is created to read:

(k) *Mobile food vending at special events.*

Description: This land use allows the operation of a mobile food vending vehicle in conjunction with a special event licensed under Ch. 14, Art. XVIII and with the authorization of the special event licensee.

1. *Temporary use regulations.*

a. The mobile food vending vehicle must be located on premises controlled by the special event licensee and shall operate in strict conformance with any conditions imposed under the special event license and only during the hours approved for the event.

b. A mobile food vending vendor must comply with all food preparation and sanitation regulations of the Wisconsin Food Code and Public Health Madison & Dane County, and each mobile food vending vehicle must be licensed to sell food and beverages by Public Health Madison & Dane County or by the State of Wisconsin.

Section 24. Sec. 78-906 is amended to read:

(1) Purpose.

(a) The purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.

(b) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.

~~(c) Land uses which fail to meet one, but not more than one, of the requirements for temporary uses of section 78-206 may be reviewed as a conditional use. (See subsection 78-202(2))~~

(2) *Regulations applicable to all temporary uses.* No public hearing is required to review a temporary use, however, a demonstration that the ~~developer~~ applicant proposes to meet all temporary use requirements of this article must be made at the time of ~~site plan~~ application. Furthermore, no ~~building~~ temporary use permit shall be issued for any ~~development~~ application that does not comply with all requirements of this chapter ~~(see section 78-909)~~.

Any temporary use found not to be in compliance with the terms of this chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

(3) *Application requirements.* All applications for proposed temporary uses, shall be approved as complete by the zoning administrator prior to ~~certification~~ review of the proposed temporary use. Said complete application shall be comprised of all of the following:

~~(a) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;~~

~~(b) A map, such as the planned land use map, of the generalized location of the subject property in relation to the city as a whole;~~

(c) A written description of the proposed temporary use describing the type of activities~~, buildings, and structures~~ proposed for the subject property and their ~~general~~ specific locations;

(d) ~~The zoning administrator may require a~~ A site plan of the subject property is required. Said site plan shall conform to ~~any and~~ all applicable ~~the~~ requirements of subsection 78-908(3) as determined by the zoning administrator;

(4) *Approval by the zoning administrator.* Approval of a temporary use shall be by the zoning administrator following review of said complete application per subsection (3) above; and

(5) *Fee.* A fee ~~may~~ shall be required for this procedure. Refer to section 78-919.

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

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.

Schumacher would like the Chamber of Commerce notified of the public hearing for this agenda item.

9. Request by Junction 138, LLC for annexation approval of 1.152 acres of land from the Town of Rutland.
Scheel explained the request.

Motion by **Robinson** to recommend the Common Council approve this annexation, 2nd by **Schumacher**. Motion carried unanimously.

10. Request by Kettle Park West LLC for annexation approval of 4.010 acres of land from the Town of Rutland.
Scheel explained the request.

Motion by **Robinson** to recommend the Common Council approve this annexation, 2nd by **Schumacher**.

Caravello questioned if there is a way to pursue access to the west for the parkland. Dennis Steinkraus stated they will be looking at access to the west as part of future development.

Motion carried unanimously.

11. Future agenda items.
Sign code rewrite; Outdoor dining; USAA for Dvorak property

12. Adjournment.
Motion by **Schumacher** to adjourn at 7:25 pm, seconded by **Robinson**. Motion carried unanimously.

Respectfully Submitted,

Michael P. Stacey

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.

Mayor Swadley discussed how the Community Affairs/Council Policy Committee has evaluated mobile food vending licensing issues and is not recommending a separate City license. It was recommended mobile food vending be managed through zoning and special event permitting.

It was requested the City Attorney Rachel Synder attend the next meeting to discuss the draft language.

No action taken.

9. Future agenda items.
51 West Development.

Adjournment.
Motion by **Schumacher** to adjourn at 7:30 pm, seconded by **Caravello**. Motion carried unanimously.

Respectfully Submitted,

Rodney Scheel