



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

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

RODNEY J. SCHEEL
DIRECTOR

Date: April 23, 2010

To: Pat Conlin
 Acting Police Chief

From: Michael Stacey
 Zoning Administrator/Assistant Planner

Subject: Outdoor Consumption Requests.

As requested, I am providing information related to Outdoor Consumption in the City of Stoughton.

1. It appears that Ordinance Section 14-40 (k) (6) b was amended on August 19, 2004 to allow outdoor consumption at Stella's Speakeasy. (see attached ordinance) I have also provided the Public Safety minutes of August 18, 2004 and the Council minutes of August 24, 2004 regarding the approval for Stella's (now Cully's) to have outdoor consumption.
2. Currently, there are two requests for alcohol consumption. Dave's Water's Edge and Pack R Place have applied for outdoor alcohol consumption at the rear of their respective buildings. It appears the neither outdoor consumption area will be able to comply with the 50 foot rule which states the outdoor consumption area must be more than 50 feet away from a structure used for residential purposes. Also, Dave's Water's Edge most likely will not meet the 50 % requirement of Section 14-40 (k) (6) b.
3. Additionally, the new Zoning Code that came into effect in the beginning of 2010 deems taverns as an "Indoor Commercial Entertainment" use. Expanding the use outdoors changes that portion of the property to an "Outdoor Commercial Entertainment" use. There is a zoning requirement that Outdoor Commercial Entertainment must be 300 feet from residentially zoned property. Thus, the properties listed above would not be allowed to expand their use outdoors for any reason, not just alcohol consumption. Cully's currently has a grandfathered use as far as Zoning is concerned. We don't get involved with licensing renewals for outdoor consumption and how the grandfathering of Cully's may or may not apply.

Please let me know if you have any questions.

O - 20 - 04
AN ORDINANCE TO AMEND SECTION 14-40(k)(6) OF
THE STOUGHTON MUNICIPAL CODE

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain as follows:

1. Section 12.02 (1) of the Stoughton Municipal Code is hereby amended as follows:

Sec. 14-40. Operation by licensee under Class A or B license; additional city regulations.

(k) *Miscellaneous rules.*

(6) *Permits for outdoor consumption at Class B premises.*

a. *Required for outdoor consumption.* No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the city council. Such permits are issued by the council as provided in this article after review by the licensing committee. The permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid permit. The VFW shall be allowed to permit the consumption of alcohol beverages outside their building in the picnic area as an exception to the requirements of this section.

b. *Limitations on issuance of outdoor permits.* No permit shall be issued if any part of the outdoor area is within ~~400~~ 50 feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. No permit shall be issued for an outdoor area if the area is greater than 50 percent of the gross floor area of the adjoining licensed premises. Each application for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. ~~Every area shall be completely enclosed with a wooden acoustic fence or wall not less than eight feet in height. No amplified sound or music is permitted outside the enclosed (building) premises.~~ Amplified sound or music is shall not be permitted within the outdoor area of the licensed premises. Outdoor areas permitted pursuant to this section shall be not be open later than 11 p.m. on Fridays and Saturdays, and later than 10 p.m. on all other nights. The Council may impose additional restrictions on a case-by-case basis which shall be incorporated into any outdoor consumption permit including, but not limited to, conditions relating to fencing, screening and noise abatement.

Adopted on roll call at a regular meeting of the Common Council of the City of Stoughton held on the 10th day of August, 2004.

VOTE:


Ayes: 11

Noes: 0

Adopted: 8-10-04

Published: 8-19-04

APPROVED:



Helen J. Johnson, Mayor

ATTEST:



Luann J. Alme, City Clerk

PUBLIC SAFETY COMMITTEE MEETING MINUTES

Wednesday, August 18, 2004 – 6 p.m.
Hall of Fame Room, City Hall

Present: Alderpersons Paul Lawrence, Gerald Olsen and Sonny Swangstu, Police Chief Pat O'Connor and Deputy Clerk/Confidential Secretary Cindi Sturm

Absent & Excused: Alderperson Gary Locke

Guests: Alderperson Ron Christianson, Fire Chief Martin Lamers, EMS Director Cathy Rigdon, and Jan Bruder

Call to Order: Vice-Chair Olsen called the meeting to order at 6:00 p.m.

Minutes of the Regular Public Safety Committee meeting of July 21, 2004: Moved by Lawrence, seconded by Swangstu, to approve the minutes as presented. Carried unanimously.

Request for stop signs, painted crosswalks and/or a crossing guard at the intersection of Kingslynn & Buckingham Roads: Moved by Olsen, seconded by Lawrence, to direct the Street Department to paint the crosswalks at the intersection of Kingslynn & Buckingham Roads per Chief O'Connor's recommendation. Carried unanimously.

Application form for Outdoor Alcohol Consumption Permit: Moved by Lawrence, seconded by Swangstu to recommend approval to Council with the addition of the word "Outdoor" to the "Hours of Operation" question. Carried unanimously.

Outdoor Alcohol Consumption Permit Application: Stella's Speakeasy: Moved by Lawrence, seconded by Swangstu, to recommend approval to Council. Carried unanimously.

Request to amend Section 70-135 to create an additional reserved EMS parking stall: Moved by Lawrence, seconded by Swangstu, to direct the Deputy City Clerk to draft an ordinance to amend Section 70-135 to create an additional reserved EMS parking stall between the Municipal Utilities Building's parking lot and the entrance to Uniroyal (on the west side of South Fourth Street north of the driveway to the Municipal Utilities building parking lot and south of the entrance to Uniroyal) and forward to the City Attorney for review and on to Council for a first reading. Carried unanimously.

Police Department budget presentation: Police Chief O'Connor reviewed his departmental budget and answered questions. Moved by Lawrence, seconded by Swangstu, to recommend approval to the Finance Committee of the budget as presented. Carried unanimously.

EMS Department budget presentation: EMS Director Rigdon reviewed her departmental budget and answered questions. She highlighted the request to purchase new software and equipment to make electronic run sheets and billing possible. Director Rigdon is proposing that the funding for one of two programs and one of two laptops be levied and the rest of the funds come out of the EMS Trust Fund. Moved by

August 24, 2004 (Continued)

Section 27. Conflicting Ordinances or Resolutions. All ordinances and resolutions (other than the Prior Resolutions) or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolutions, the respective Prior Resolution shall control so long as any of the respective Prior Bonds are outstanding.

Adopted and approved August 24, 2004.

Aldersperson Olsen explained that no action was required by the Council on the Stoughton Municipal Utilities Declaration of Official Intent No. 2004-9.

Moved by Lampe, seconded by Duranczyk, to approve the designation of the Luke Stoughton House at 515 N. Division Street as a local landmark. Motion carried unanimously by acclamation.

Moved by Griffin, seconded by Christianson, to approve the Mayor's appointment of Aldersperson David McKichan to the Public Works Committee, Smart Growth Committee, Tree Commission and Ad Hoc Parkland – Ehle Committee. Motion carried by acclamation with Aldersperson McKichan abstaining and Aldersperson Duranczyk voting noe.

Moved by Griffin, seconded by Locke, to confirm the Mayor's appointment of Aldersperson Ron Christianson to the Community Affairs Committee. Motion carried unanimously by acclamation.

Moved by Locke, seconded by Swangstu, to approve the application form for outdoor alcohol consumption permit, as presented. Motion carried unanimously by acclamation.

Moved by Locke, seconded by Lawrence, to approve the application for an outdoor alcohol consumption permit for James P. Culligan d/b/a Stella's Speakeasy at 210 S. Water Street, as presented. Motion carried unanimously by acclamation.

The request to submit a grant application through the City of Stoughton for an art exhibition at Lazzaro Fine Art Studio at 184 W. Main Street was withdrawn by Mr. Lazzaro.

Moved by Kelly, seconded by Lawrence, to approve the bid of \$191,837.35 from Parisi Construction for the downtown parking lot improvements and approve a budget amendment of \$10,075, with the monies to come from TIF increments. Motion carried unanimously on roll call.

Moved by Kelly, seconded by Duranczyk, to approve a budget amendment in the amount of \$3,952 from contingency to cable television salaries account. Motion carried unanimously on roll call.

Aldersperson Griffin presented an ordinance to rezone Business Park North from I-2 (heavy industrial) to I-1 (light industrial) for a first reading.