



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 18-011**

**AN ORDINANCE TO AMEND SECTION 94.13.04(4) VARIABLE MESSAGE SIGNS (VMS).**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's general zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, in administering this new Chapter 94, Village staff has found Sec. 94.13.04(4) does not adequately address variable message signs (VMS) in the Village and Town; and

WHEREAS, the Village recently installed a new VMS at the Municipal Center; and

WHEREAS, the sign installation company for the new Village VMS recommended messages and non-text images change appearance once every six (6) seconds instead of ten (10) seconds as currently regulated; and

WHEREAS, Village Staff, after using the VMS, has determined that ten seconds between messages is too slow and is proposing an amendment to Chapter 94 Zoning to provide for a six second change in message; and

WHEREAS, the Plan Commission has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Village limits; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance, on April 9, 2018, in compliance with Wis. Stat. § 62.23, and following such

hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

WHEREAS, the Village Board finds the proposed amendment is reasonable, consistent with the Village Comprehensive Plan, and in the public interest;

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

**Section 94.13.04(4) Variable Message Signs (VMS).**

- (a) Allowable Districts and Land Uses. No VMS shall be allowed within any agricultural, rural, open space, residential, RM or N district, or for any residential use regardless of district.
- (b) Length of Cycle. Messages and non-text images shall not change appearance more than once every ~~six (6) 10~~ seconds and transitions between messages shall be via instantaneous change. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.
- (c) Brightness Adjustment. All VMS shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section 94.12.11.
- (d) Dimensions. The illuminated or message display area of the VMS is subject to the same height and area requirements as other on-premise business signs in the zoning district. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise business sign (wall or freestanding) and the zoning district in which the sign is located.
- (e) Maintenance. Each VMS shall be maintained so as to be able to display messages in a complete and legible manner.
- (f) Location. In addition to standard setback requirements for the applicable sign type, no VMS shall be positioned to be visible from any permitted residential use unless the sign is located at least 100 feet from said use.

SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16<sup>th</sup> day of April, 2018

WESTON VILLAGE BOARD

By: Barbara Ermeling  
Barbara Ermeling, its President

Attest:

Sherry Weinkauff  
Sherry Weinkauff, its Clerk

APPROVED: 4-16-18

PUBLISHED: 4-18-18

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following ordinances on April 16, 2018:

1. Ordinance No. 18-008: An Ordinance Adopting The 2018 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.
2. Ordinance No. 18-011 Amending Section 94.13.04(4) Variable Message Signs.
3. Ordinance No. 18-012 Amending Section 94.17.04 Definitions.
4. Ordinance No. 18-013 Amending Chapter 14, Article II., Building and Construction Codes; Article III., Administration and Enforcement; and Article V. House and Building Numbering

The amendments effectuated by these Ordinances shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

The full text of the newly enacted Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 17th day of April, 2018  
Sherry Weinkauff, Village Clerk

Published: 4/18/2018



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Dated this 17th day of April, 2018

Sherry Weinkauff, Village Clerk

Published: April 18 WNXALP

**CONFIRMATION**



435 E. Walnut  
Green Bay, WI 54301  
(888)774-7744

VILLAGE OF WESTON  
5500 SCHOFIELD AVE  
WESTON WI 54476-4333

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
GWM-1081606	0002867715	\$23.05	\$0.00	\$23.05	Credit Card	\$0.00	\$23.05

Sales Rep: mrome

Order Taker: sbeaton

Order Created 04/17/2018

<u>Product</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
GWM-WDH-Wausau Daily Herald	1	04/18/2018	04/18/2018
GWM-WDHW-Wausau Daily Herald Digital	28	04/18/2018	05/15/2018

\* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

**Text of Ad: 04/17/2018**

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Dated this 17th day of April, 2018  
Sherry Weinkauff, Village Clerk  
Published: April 18 WNXALP

**VILLAGE OF WESTON, WISCONSIN  
AGENDA ITEM COVER SHEET**

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**MTG/DATE:** Board of Trustees – 4/16/18

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**FROM:** Jennifer Higgins, Director of Planning & Development

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**DESCRIPTION:** **Ordinance No. 18-011 An Ordinance to Amend Section 94.13.04(4) Variable Message Signs (VMS).**

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<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>Approve</b>	<input checked="" type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Proclamation</b>
	<input type="checkbox"/> <b>Deny</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Report</b>
	<input type="checkbox"/> <b>Expenditure</b>	<input type="checkbox"/> <b>Procedure</b>	<input type="checkbox"/> <b>Resolution</b>

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**QUESTION:**

Should the Board of Trustees approve an amendment to the VMS Variable Message Signs regulations in the zoning ordinance?

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**BRIEF:**

The Village recently installed a new VMS sign at the Municipal Center to replace the sign which had been damaged in a wind storm. The sign installation company for the new sign recommended messages and non-text images change appearance once every six (6) seconds instead of ten (10) seconds as currently regulated by our code. Village staff, after utilizing the sign, have determined 10 seconds between messages to be too slow and is bringing the amendment to the PC/ETZ for their consideration. Many area businesses are currently not following the 10 second regulation and the 6 seconds would be more in line with their usage and therefore making them compliant with code.

A public hearing was held before the PC/ETZ on 4/9/18. No one spoke in opposition.

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**RECOMMEND:** Director recommends approval of Ordinance No. 18-011 as recommended by the PC/ETZ.

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**COMMITTEE:** Public Hearing held with PC/ETZ on 4/9 – no one spoke in opposition.  
Plan Commission endorsed Ordinance on 4/9/18  
ETZ Committee endorsed Ordinance on 4/9/18

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**REQUEST:** **Approve Ordinance No. 18-011 as presented.**

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Is there an additional briefer with this agenda item?

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Are there additional reference documents which have been attached to this report?

## **VILLAGE OF WESTON, WISCONSIN AGENDA ITEM BRIEFER**

### **1. Policy Question:**

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Should the Board approve amendments to the zoning code to change the length of cycle of messages on Variable Message Signs (VMS)?

### **2. Purpose:**

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The purpose of asking this question is to receive guidance and feedback from Village policymakers regarding the “policy question” written out above.

### **3. Background:**

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The Village recently installed a new VMS sign at the Municipal Center to replace the sign which had been damaged in a wind storm. The sign installation company for the new sign recommended messages and non-text images change appearance once every six (6) seconds instead of ten (10) seconds as currently regulated by our code.

### **4. Issue Analysis:**

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Village staff, after utilizing the sign, have determined 10 seconds between messages to be too slow, especially with a higher speed limit on Schofield Avenue and is bringing the amendment to the PC/ETZ for your consideration. Many area businesses are currently not following the 10 second regulation and the 6 seconds would be more in line with their usage and therefore making them compliant with code.

### **5. Fiscal Impact:**

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Staff Billable time, public hearing noticing and other publishing fees.

### **6. Legal Impact:**

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It is legal and consistent with past policy practice.

### **7. Prior Review:**

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Public Hearing held before the PC/ETZ on 4/9. Both ETZ and PC recommended approval of changes to ordinance at their 4/9/18 meetings.

### **8. Policy Choices:**

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Within 120 days of submittal of a complete application, the BOT must, per Sec. 94.16.02(8):

1. Approve the ordinance as recommended by the PC/ETZ and direct staff to publish in the WDH.

2. Modify the ordinance and direct staff to publish in the WDH. (please note, this requires an affirmative vote of  $\frac{3}{4}$  or greater of the full Village Board due to it not conforming with the PC/ETZ recommendation)
3. Deny the ordinance. (please note, this requires an affirmative vote of  $\frac{3}{4}$  or greater of the full Village Board due to it not conforming with the PC/ETZ recommendation)

**9. Recommendation:**

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I recommend the BOT approve the ordinance as requested and direct staff to send to the WDH for publication. (Option #1)

**10. Attachments:**

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Ordinance No. 18-011: An Ordinance to Amend Sec. 94.13.04(4) Variable Message Signs (VMS).

VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning Committee, on Monday, April 9, 2018, at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following proposed amendments to Chapter 94 Zoning:

1. Section 94.17.04 Definitions.
2. Section 94.13.04(4) Variable Message Signs.

The hearing notice and applicable application materials are also available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>. Proposed Ordinances can be found on the Village's website at <http://www.westonwi.gov/509/Proposed-Ordinances>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Jennifer Higgins, Director of Planning & Development, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [jhiggins@westonwi.gov](mailto:jhiggins@westonwi.gov), by noon, on Tuesday, April 3, 2018, to be included in the meeting packet. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call or email Jennifer Higgins 715-359-6114.

Dated this 22<sup>nd</sup> day of March 2018

Valerie Parker  
Plan Commission and ETZ Secretary

# DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

WESTON VILLAGE OF  
5500 SCHOFIELD AVE  
WESTON WI 544764333

### VOUCHER APPROVAL

Account Number: 10-06-56910 - 321-000  
Description: PC Pub Hearings Notice  
April mtg - Zoning Text Amend.  
Approved by: [Signature] 4/16/18 \$25.97  
Initials Date

10-06-56925-321-000  
ETZ Pub Hearings notice  
April mtg - Zoning Text Amend

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

\$25.96

Account Number: GWM-WES425  
Order Number: 0002815223  
No. of Affidavits: 1  
Total Ad Cost: \$51.93  
Published Dates: 03/26/18, 04/02/18

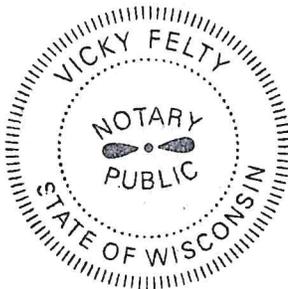
(Signed) Sam Beaton (Date) 4/12/18

Legal Clerk

Signed and sworn before me

[Signature]

My commission expires 9-19-21



WESTON VILLAGE OF  
Re: NOTICE OF PUBLIC HEARINGS

VILLAGE OF WESTON

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given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call or email Jennifer Higgins 715-359-6114.

Dated this 22nd day of March 2018

Valerie Parker  
Plan Commission and ETZ Secretary  
RUN: March 26, April 2, 2018 WNAXLP

**VILLAGE OF WESTON, WISCONSIN  
AGENDA ITEM COVER SHEET**

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**MTG/DATE:** Plan Commission/ETZ – 4/09/18

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**FROM:** Jennifer Higgins, Director of Planning & Development

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**DESCRIPTION:** **Proposed Amendments to Section 94.13.04(4) Variable Message Signs.**

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<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>Approve</b>	<input checked="" type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Proclamation</b>
	<input type="checkbox"/> <b>Deny</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Report</b>
	<input type="checkbox"/> <b>Expenditure</b>	<input type="checkbox"/> <b>Procedure</b>	<input type="checkbox"/> <b>Resolution</b>

---

**QUESTION:**

Should the Plan Commission recommend to the Board of Trustees an amendment to the VMS Variable Message Signs regulations in the zoning ordinance?

---

**BRIEF:**

The Village recently installed a new VMS sign at the Municipal Center to replace the sign which had been damaged in a wind storm. The sign installation company for the new sign recommended messages and non-text images change appearance once every six (6) seconds instead of ten (10) seconds as currently regulated by our code. Village staff, after utilizing the sign, have determined 10 seconds between messages to be too slow and is bringing the amendment to the PC/ETZ for their consideration. Many area businesses are currently not following the 10 second regulation and the 6 seconds would be more in line with their usage and therefore making them compliant with code.

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**RECOMMEND:** Director recommends the Plan Commission & ETZ to approve the amendment as presented and forward the amendments on to the Village Board for their final approvals via the draft Ordinance.

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**COMMITTEE:** None.

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**REQUEST:** **Plan Commission & ETZ approval of the proposed amendments as presented and direct staff to forward the amendments on to the Village Board for their final approvals at their 3/16/18 meeting.**

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Is there an additional briefer with this agenda item?

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Are there additional reference documents which have been attached to this report?

## VILLAGE OF WESTON, WISCONSIN AGENDA ITEM BRIEFER

### 1. Policy Question:

---

Should the Plan Commission & ETZ Committee recommend amendments to the zoning code to change the length of cycle of messages on Variable Message Signs (VMS)?

### 2. Purpose:

---

The purpose of asking this question is to receive guidance and feedback from Village policymakers regarding the “policy question” written out above.

### 3. Background:

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### 4. Issue Analysis:

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Village staff, after utilizing the sign, have determined 10 seconds between messages to be too slow, especially with a higher speed limit on Schofield Avenue and is bringing the amendment to the PC/ETZ for your consideration. Many area businesses are currently not following the 10 second regulation and the 6 seconds would be more in line with their usage and therefore making them compliant with code.

### 5. Fiscal Impact:

---

Staff Billable time, public hearing noticing and other publishing fees.

### 6. Legal Impact:

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It is legal and consistent with past policy practice.

### 7. Prior Review:

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None.

### 8. Policy Choices:

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Within 45 days of the Public Hearing, the PC/ETZ must, per Sec. 94.16.02(6):

1. Grant the amendment as requested and forward the amendment on to the Village Board for final approvals.
2. Modify the amendment and forward the amendment on to the Village Board for final consideration.

3. Deny the request and forward the amendment on to the Village Board for their consideration.

**9. Recommendation:**

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I recommend the PC/ETZ grant the amendment as requested and forward the amendment on to the Village Board for their final approvals.

**10. Attachments:**

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Public Hearing Notice

Draft Ordinance No. 18-XXX: An Ordinance to Amend Sec. 94.13.04(4) Variable Message Signs (VMS). (shows proposed changes to ordinance. Ordinance number will be given prior to putting on the BOT agenda.)