VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-021

AN ORDINANCE AMENDING SECTION 94.4.10(2) ENTITLED *GARAGE, YARD, ESTATE, AND IN-HOME SALE;* SECTION 94.13.02 (8) ENTITLED *SIGNS ALLOWED WITHOUT PERMIT;* SECTION 94.13.03 (1) ENTITLED *SIGN PURPOSES*; SECTION 94.13.04 (1) ENTITLED *SIGN PROHIBITIONS AND LIMITATIONS*; SECTION 94.13.04 (2) ENTITLED *COMMUNITY INFORMATION SIGNS;* SECTION 94.13.05 (4) RELATED TO *TEMPORARY SIGN REGULATIONS FOR RESIDENTIAL AND RR ZONING DISTRICTS;* SECTION 94.13.07 (5) RELATED TO *TEMPORARY SIGN REGULATIONS FOR NON-RESIDENTIAL, AGRICULTURAL, PR AND N ZONING DISTRICTS;* SECTION 94.13.08 ENTITLED *TEMPORARY SIGNS;* AND SECTION 94.13.09 (3) RELATED TO *STRUCTURAL REQUIREMENTS FOR TEMPORARY SIGNS* OF THE ZONING ORDINANCE.

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stat. §§ 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, the recent Supreme Court Decision, Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015) required Village staff, with Village Attorney guidance, to review the *Reed* case and analyze its impact on the Village zoning ordinance, and specifically the sign ordinance; and

WHEREAS, Village Staff has requested an amendment various section of the zoning ordinance where temporary sign regulations were described; 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 October 12, 2015, 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, do ordain as follows:

SECTION 1: Section 94.4.10 (2) of the Village Of Weston Ordinances entitled *Garage, Yard, Estate, and In-Home Sales*; Section 94.13.02 (8) of the Village Of Weston Ordinances entitled *Signs Allowed without Permit*; Section 94.13.03 (1) Entitled *Sign Purposes*; Section 94.13.04 (1) Entitled *Sign Prohibitions And Limitations*; Section 94.13.04 (2) Entitled *Community Information Signs*; Section 94.13.05 (4) Related to *Temporary Sign Regulations For Residential And RR Zoning Districts*; Section 94.13.07 (5) Related to *Temporary Sign Regulations For Non-Residential, Agricultural, PR And N Zoning Districts*; Section 94.13.08 Entitled *Temporary Signs*; and Section 94.13.09 (3) Related to *Structural Requirements for Temporary Signs*, is hereby amended to provide as follows:

Section 94.4.10: Temporary Land Use Types

(2) **Garage, Yard, Estate, and In-Home Sales.**
Includes the short term display and sales of household products in a residence, residential garage, driveway, or yard, whether for one or multiple families.

Performance Standards:

1. Shall be limited to properties in residential use.
2. Shall be permitted in association with a two-family and multiple family residence only in a private driveway from the residential unit to the public street or in a garage serving a two- to four-unit building. Sales within parking lots, common driveways, or yard areas of two-family or multiple family residences are not permitted.
3. May only be conducted by or on behalf of the occupants of the residence.
4. Shall be limited to a maximum of four sales per year, with a maximum duration of three days per sale.
5. Shall not require a temporary use review and approval under Section 94.16.07.
6. No hoop buildings or structures of similar design shall be used in conjunction with the sale.
7. Signs shall meet applicable ~~temporary~~ one-time event sign standards in Section 94.13.08 No sign shall be placed in the public right-of-way, except with the express consent of the Zoning Administrator.

Section 94.13.02: Sign Permits

(8) Signs Allowed without Permit. The following signs are permitted without the need for a sign permit, in cases where they are beneath any size limitations provided herein. Such signs shall not count as part of the maximum permitted sign area in the zoning district in which they are located per Section 94.13.05 or 94.13.07 below, unless they are above any size limitations provided herein and therefore requiring a sign permit.

(a) **Addresses.** Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation, provided that such sign does not exceed one square foot in area per address; or the size required by any law, order, rule or regulation; whichever is greater.

(b) **Architectural Elements.** Integral decorative or architectural elements of buildings or works of art, so long as there is no commercial message, trademark, moving parts, or moving lights.

(c) **Auxiliary Signs.** Auxiliary signs less than one square foot placed in store windows regarding hours of operation, accepted charge cards, warnings, or similar information.

(d) **Bulletin Boards.** Bulletin boards, not exceeding 12 square feet in sign area and 8 feet in height, for public, philanthropic, or religious institutions located on the premises of said institutions.

(e) **Business Nameplates.** A single non-illuminated nameplate, not exceeding two square feet mounted on the building face, denoting the name of a business legally conducted on the premises.

(f) **Commemorative Signs.** Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure or its date of erection.

(g) **Construction or Project Identification Signs.** Per ~~temporary~~ one-time event sign requirements of Section 94.13.08.

(h) **Farm Field Signs.** Freestanding signs located in a farm field that identify the crop or product used in the field, provided that no such sign exceeds 12 square feet in area and 8 feet in height.

(i) **Flags.** Flags, standards, emblems, and insignia of governmental, civic, philanthropic, religious, or educational organizations, when not displayed in connection with a commercial promotion or as an advertising device.

(j) **Garage, Yard, Estate, and In-Home Sale Signs.** Per the ~~temporary~~ one-time event sign requirements of Section 94.13.08.

(k) **Historical Markers.** Commemorative plaques, memorial tablets, or emblems of historical bodies, not exceeding two square feet, placed flat against a building, monument, or other permanent surface.

(l) **Holiday Decorations.** Temporary displays of a primarily decorative nature, in connection with traditionally accepted civic, patriotic, or religious holidays.

(m) **Interior Signs.** Signs that are located on the interior of a premise and that are primarily oriented to persons within that premises.

(n) **Management Signs.** Signs not exceeding four square feet that designate the real estate management agent for the premises on which they are located.

(o) **Menu Board Signs.** One menu board sign for a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed 40 square feet in area or 8 feet in height.

(p) **Model Home Signs.** Per the ~~temporary~~ one-time event sign requirements of Section 94.13.08.

(q) **"Open" Signs.** Signs that advertise a premise as open for business or inspection, with no more than one sign per street on which the property has frontage and no more than 4 square feet per sign.

(r) **Political/Election Signs.** Per the ~~temporary~~ one-time event sign requirements of Section 94.13.08.

(s) **Real Estate Signs.** Per the ~~temporary~~ one-time event sign requirements of Section 94.13.08.

(t) **Regulatory and Government Information Signs.** Signs erected by or on behalf of a duly constituted governmental body and for regulatory and other basic government informational purposes, including but not limited to legal notices; handicap parking signs; and traffic signs or other regulatory, directional, or warning signs. Any other sign for broader governmental purposes shall require a permit.

(u) **Residential Signs.** Signs customarily associated with residential use and not of a commercial nature that do not exceed a total of 4 square feet in residential and N zoning districts and 12 square feet in all other zoning districts. Such signs include property identification names and numbers, names of occupants, signs relating to private parking, signs warning the public against trespass or danger of animals, signs indicating a particular farm, and Neighborhood Crime Watch signs.

(v) **Required Signs.** Signs required by State or Federal statute or regulation that do not exceed 110 percent of the minimum legal size requirements.

(w) **Site Information Signs.** Signs of no more than 4 square feet that, without including advertising of any kind, provide direction or instruction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.

(x) **Certain ~~Temporary~~ One-time Event Signs.** Per the ~~temporary~~ one-time event sign requirements of Section 94.13.08.

(y) **Window Signs.** Per the associated requirements in Section 94.13.05(5)

Section 94.13.03: General Signage Standards

(1) **Sign Purposes.** The following are definitions of the different purposes that signs regulated under this Article may have:

(a) **Advertising sign, off-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Off-premise advertising signs include off-premise "billboards," but do not include community information signs described below.

(b) **Auxiliary sign.** A sign that provides special information such as price, hours of operation, parking rules, or warnings, and that does not include brand names or information regarding product lines. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, drive-through ordering stations, and signs that list prices of gasoline, up to one price listing sign per type of fuel, which must all be displayed on a single structure.

(c) **Business sign, on-premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured on the premises where the sign is located.

(d) **Community information sign.** A sign that displays information of interest to the general community regarding scheduled public events, public activities, and public facilities and is located either on-premise or off-premise; serves as an identification, entrance, or wayfinding sign for the community; or is located on public lands and advertises sponsors of public events, activities, or facilities thereon.

(e) **Directional sign, on-premise.** A sign that indicates only the name (or logo or symbol) of a specific business/department/use area/destination within a development or premises, and a directional arrow or symbol to that destination. For purposes of an on-premise directional sign, the premises shall include all lots that are contiguous, either under unified single ownership and intended to remain so, or within a unified business park or group development.

(f) **Group development sign.** An on-premise sign displaying the collective name of a group of uses (such as an industrial park or multitenant retail center) and/or the names and/or logos of the individual occupants of a group of uses. For purposes of a group development sign, the premises

shall include all lots that are contiguous, either under unified single ownership and intended to remain so, or within a unified business park or group development.

(g) **Identification sign.** A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.

(h) **Parking area sign, on-premise.** A sign used to state parking restrictions and/or conditions, not including handicap parking signs.

(i) ~~**Temporary**~~ **One-time Event sign.** A sign or advertising display (including festoons, pennants, banners, flags, and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of "~~temporary~~ one-time event signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer, and personal greeting or congratulatory signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered temporary, but instead shall be considered permanent.

Section 94.13.04: General Signage Regulations Applicable to All Zoning Districts

(1) **Sign Prohibitions and Limitations.**

(a) No sign shall be erected at any location where it may, by reason of its position, shape, color, or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, nor shall such sign make use of words such as "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse users of streets or highways.

(b) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, fire lane, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(c) No sign shall be erected that violates the visibility and clearance requirements of Section 94.12.08(12).

(d) No private sign shall be attached to or painted on any public utility pole, public light pole, or traffic regulatory structure.

(e) No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, feather flags, feather banners, or other moving decorations shall be permitted.

(f) No illuminated flashing or animated signs shall be permitted. Variable message signs meeting the definition and requirements of this Article shall not be considered illuminated flashing or animated signs.

(g) No illuminated sign/bulb shall be permitted unless the illumination of the sign is so designed that the lighting element (except for neon signs) is not visible from any property within any residential or RR zoning district.

(h) No sign other than a regulatory or government information sign shall be permitted within or extend into a public right-of-way, except where otherwise specifically allowed in this Article.

(i) No sign shall be mounted or displayed on, or extend above the top edge of a roof or extend above the top-most edge of an exterior wall or parapet.

(j) Mobile or portable signs shall be permitted only as a type of ~~temporary~~ one-time event signage for events of public interest or as a type of ~~temporary~~ one-time event business sign or banner, both as described under Section 94.13.08, but shall be prohibited for any other purpose.

Sandwich board/pedestal signs as defined and regulated in this Article shall not be considered mobile or portable signs.

(k) No inflatable signs shall be permitted.

(l) No advertising vehicle signs as defined in Section 94.13.03(2)(a) shall be permitted.

(m) No off-premise advertising signs or structure supporting such sign(s) shall be permitted to be installed or expanded in area or number of signs after March 18, 2015. This provision does not prohibit the use of community information signs under Section 94.13.04(3) or on-premise business signs allowed in Section 94.13.07 that are accessory to established on-premise principal uses for constitutionally protected free speech, provided all messages are in accordance with the time, place, and manner requirements of this Article and other provisions of this Chapter, other chapters of the Village Municipal Code, and other applicable laws. Off-premise advertising signs legally installed before March 18, 2015 but made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures, subject to the requirements of Section 94.15.04, except that:

1. Billboards legally installed before March 18, 2015 that are directed to and on parcels adjacent to State Highway 29 may be upgraded and/or replaced as new technologies become available, provided that the sign area, number, and height at each installation are not increased and other applicable provisions of this Chapter are satisfied.
2. Billboards adjacent to State Highway 29, Business Highway 51, Schofield Avenue, or other locations in the Village that fail to meet the maintenance requirements in Section 94.13.10 may be subject to removal under Section 94.13.02(7). Said sign cannot be replaced once removed.

Section 94.13.04: General Signage Regulations Applicable to All Zoning Districts

(2) **Community Information Signs.** On-premise and off-premise community information signs shall be allowed subject to the following regulations:

(a) Is a permanent or seasonal sign that shall only display information in accordance with Section 94.13.03(1)(d). ~~Temporary~~ One-time event signs serving similar functions are listed and regulated under Section 94.13.08.

(b) May be located on public property or rights-of-way if approved by the Zoning Administrator.

(c) May have changeable copy.

(d) Shall conform to the visibility requirements of this Article and of Section 94.12.08(12).

(e) Shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.

(f) Shall not exceed 16 square feet in sign area per business or other destination, up to a maximum of 32 square feet if two or more businesses or other destinations are included on the same sign or if the sign is placed in public parkland (such as on an outfield fence).

(g) Shall not exceed 10 feet in height, except where the sign is installed by a unit of government such as the Village or WisDOT.

(h) If off-premise, may total not more than one per business, except where the sign is installed by a unit of government such as the Village or WisDOT.

(i) If advertising or providing directions to a product or business, shall not be located within any residential or RR zoning district, except where such copy is associated with public event, public

facility, or public activity sponsors or where such copy is integral to a community entrance or wayfinding sign.

(j) May be subject to restrictions on lighting, color, duration of placement (e.g., seasonal limitations) as part of sign permit approval, provided that such restrictions are consistent with the purposes of this Article and Chapter.

Section 94.13.05: Regulations for Residential and RR Zoning Districts

In all residential and RR zoning districts, signage shall be permitted per the following and all other applicable requirements of this Article:

(4) **~~Temporary~~ One-time Event Sign.** ~~Temporary~~ One-time event signs are allowed per the requirements of Section 94.13.08.

Section 94.13.07: Regulations for Non-Residential, Agricultural, PR, and N Zoning Districts

Except for residential uses within non-residential zoning districts (instead see Section 94.13.06), signage within non-residential, agricultural, and PR zoning districts shall be permitted per the following and all other applicable provisions of this Article. Signage standards for the N district are exclusively encompassed in subsection (8).

(5) **~~Temporary~~ One-time Event Signs.** Per the requirements of Section 94.13.08.

Section 94.13.08: ~~Temporary~~ One-time Event Signs

The following are allowable ~~temporary~~ one-time event sign types and unique requirements for each type. A sign permit shall not be required except where indicated.

(1) **Real Estate Signs.** Within each residential and rural and open space zoning district, only one on-premise real estate sign is permitted. Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising or of the sale or lease of 90 percent of the total land or space available for sale or lease on the property. Such signs shall not be located in the public right-of-way, shall not exceed 12 square feet in area and 6 feet in height in residential, rural and open space zoning districts, and 64 square feet in area and 12 feet in height in all other districts. No off-premise real estate signs, such as "open house" signs, are permitted.

(2) **Construction or Project Identification Signs.** Such signs shall be erected no sooner than the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within 30 days of completion of such work. Construction or project identification signs shall not exceed 64 square feet in area and 12 feet in height.

(3) **Temporary Commercial Signs and Banners.** For sales, limited time offers, grand openings, or other special events only, ~~with such signs not greater than 8 feet in height if ground-mounted,~~ such signs shall not exceed 64 square feet in area and 12 feet in height if ground mounted, nor extending above the roof line if building mounted. Except as may be allowed below or by site plan approval under Section 94.16.09, no single use is permitted to display more than one temporary commercial sign or banner at a single time and no single lot is permitted to display more than two temporary commercial signs and banners at a single time. No temporary commercial sign or banner shall be placed on a lot for greater than 30 consecutive days ~~(14 days for any variable message sign), up to five times per calendar year~~. An advertising vehicle sign is not a permitted temporary commercial sign, but a mobile sign is permitted. A sign permit shall be required for a temporary sign serving this purpose. Does not include price or temporary item signs, as described below. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

(4) **Price or Temporary Item Signs.** Signs that advertise the price of products or services offered on the premises or of special temporary goods or services being sold or offered, up to 6 square feet in area per sign face for each double sided sign, not illuminated, no more than two signs per street frontage, and no closer than five feet to any property lines. Each price or temporary sign must be removed within 24 hours of the special being sold or offered, and within 30 days of its placement on the property in any case. Any temporary sign not meeting these limitations but serving a similar purpose shall instead be classified as a temporary commercial sign or banner.

(5) **Temporary Individual Residential Signs.** Not larger than ~~6~~ 12 square feet each, to advertise garage sales, yard sales, or similar merchandise sales during the time the sale is taking place. Such signs shall not be erected more than 1 day before the event and shall be removed within 1 day after the event.

(6) **Temporary Signs for Events of Public Interest.** For a temporary event of public interest hosted by and/or held at a governmental entity, community organization, or institutional facility (e.g., farmers market, fair operated by a nonprofit organization), two signs of up to 32 square feet each may be located upon the site of the event. Additional off-premise signs shall be allowed, up to one per premise, and up to ~~9~~ 12 square feet per sign. Temporary Signs for Events of Public Interest shall not be erected more than 30 days before the event and shall be removed within 7 days after the event. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

~~(7) Over-street Banners for Events of Public Interest. Banners promoting public events of Village-wide interest displayed over a public street, alley, or highway, when approved by the Zoning Administrator. Such signs shall not be erected more than 30 days before the event and shall be removed within 7 days after the event. A sign permit shall be required for a temporary sign serving this purpose. The Zoning Administrator may also require the sponsoring person, firm, organization, or corporation to provide a certificate of liability insurance with the Village named as an additional insured.~~

~~(8)~~(7) **Political/Election Signs.** Temporary political signs are permitted without restriction so long as they locate per the requirements of this Article, including not being allowed within the public right-of-way. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner that would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of Wis. Stat. Chapter 12. ~~Signs related to an election or referendum may be erected no earlier than the first day of circulation of nomination papers for candidates for office, in the case of an election; or the date on which a referendum question is submitted to the electors, in the case of a referendum. All such signs must be removed within 7 days after any election or referendum to which they relate.~~

~~(9)~~(8) **Personal Greeting or Congratulatory Signs.** Permitted for up to ~~7~~ 30 days, with such signs not greater than ~~8~~ 6 feet in height in residential districts and 12 feet in height in all other districts if ground-mounted, nor extending above the roof line if building mounted.

~~(10)~~(9) **Temporary Window Signs.** Signs temporarily affixed to the inside of a window that advertise commercial situations relating to goods or services sold on premises shall be allowed without restriction on quantity or coverage, provided that they do not interfere with other State and Federal code requirements or public, health, safety, or welfare. If a portable Variable message sign (VMS) is used as a temporary commercial sign, then the regulations in Section 94.13.04(4) shall also apply.

Section 94.13.09: Structural Requirements

(3) All temporary/one-time event signs shall be anchored and supported in a manner that reasonably prevents the possibility of the signs becoming hazards to public health and safety.

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 19th day of October, 2015

WESTON VILLAGE BOARD

By: Barbara J. Ermeling
Barbara Ermeling, its President

Attest:
Sherry Weinkauf
Sherry Weinkauf, its Clerk

APPROVED: 10/19/15

PUBLISHED: 10/21/15