Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**JENNIFER HIGGINS; DIRECTOR OF PLANNING AND DEVELOPMENT**
ITEM DESCRIPTION:	**ORDINANCE NO. 16-006 AN ORDINANCE AMENDING SECTION 94.13.08 OF THE ZONING ORDINANCE ENTITLED *ONE-TIME EVENT SIGNS.***
DATE/MTG:	**BOARD OF TRUSTEES; MONDAY, APRIL 18, 2016**
POLICY QUESTION:	Should the Board of Trustees approve the amendment to the zoning ordinance as proposed?
RECOMMENDATION TO:	I make a motion to approve Ordinance No. 16-006.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☒ Ordinance	☐ Proclamation
☐ Administrative Order	☐ Policy	☐ Reports
☐ Expenditure	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item:	N/A
☐ Budget Line Item:	N/A
☐ Budgeted Expenditure:	N/A
☐ Budgeted Revenue:	N/A

STATUTORY / RULEMAKING / POLICY REFERENCES:

☐ WI Statue:	
☐ WI Administrative Code:	
☐ Case Law / Legal:	
☐ Municipal Code:	Section 94.13.08(10)
☐ Municipal Rules:	

PRIOR REVIEW: All proposed changes have been reviewed by staff as well as by consultant Mark Roffers of MD Roffers and Associates. PC/ETZ saw proposed changes at their 3/14/16 Meeting.

PC and ETZ review at March 14, 2016 and April 11, 2016 Meetings.

BACKGROUND:

There are situations that staff have encountered when a new business moves to a new property during the winter months and said property does not have an existing sign or the existing sign is legally-nonconforming and the owner does not wish to utilized the sign. The owner of the property typically wished to utilize a temporary sign until a new sign can be built, but the amount of time the sign is proposed to be utilized would exceed the 30-day time limit of one-time event sign. This amendment would allow for the owner to apply for a temporary sign for a longer period of time in certain situations with the stipulation that a permanent sign permit be filed and installed by a predetermined timeline.

☒ Attachments: Ord. No 16-006

Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**JARED WEHNER, ASSISTANT PLANNER**
ITEM DESCRIPTION:	**DRAFT ORDINANCE NO. 16-006 – COMMERCIAL SIGN PRO TEMPORE**
DATE/MTG:	**PLAN COMMISSION & ETZ COMMITTEE; MONDAY, APRIL 11, 2016**
POLICY QUESTION:	Should the Board of Trustees approve the amendment to the zoning ordinance as proposed?
RECOMMENDATION TO:	(I make a motion to. . .) endorse approval, and recommend to the Trustees.

LEGISLATIVE ACTION:

☒ **Acknowledge/Approve**	☐ Ordinance	☐ Proclamation
☐ Administrative Order	☐ Policy	☐ Reports
☐ Expenditure	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item:	N/A
☐ Budget Line Item:	N/A
☐ Budgeted Expenditure:	N/A
☐ Budgeted Revenue:	N/A

STATUTORY / RULEMAKING / POLICY REFERENCES:

☐ WI Statue:	
☐ WI Administrative Code:	
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There are situations that staff have encountered when a new business moves to a new property during the winter months and said property does not have an existing sign or the existing sign is legally-nonconforming and the owner does not wish to utilized the sign. The owner of the property typically wished to utilize a temporary sign until a new sign can be built, but the amount of time the sign is proposed to be utilized would exceed the 30-day time limit of one-time event sign. This amendment would allow for the owner to apply for a temporary sign for a longer period of time in certain situations with the stipulation that a permanent sign permit be filed and installed by a predetermined timeline.

☒ Attachments: **Proposed Section 94.13.08(10)**

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-006

AN ORDINANCE AMENDING SECTION 94.13.08 OF THE ZONING ORDINANCE ENTITLED *ONE-TIME EVENT SIGNS.*

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, Village Staff has requested an amendment to correct sections of the zoning code to be consistent with changes made to the ordinance when the Town of Weston adopted the zoning ordinance in December 2015 and Marathon County in January 2016; 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 11, 2016, 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 94.13.08 of the Village of Weston Zoning Ordinance entitled *One-time Event Signs* is hereby amended to provide as follows:

Section 94.13.08: One-time Event Signs

The following are allowable 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, 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. 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 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 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) **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.

(8) **Personal Greeting or Congratulatory Signs.** Permitted for up to 30 days, with such signs not greater than 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.

(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.

(10) **Commercial Sign Pro Tempore.** A freestanding sign that advertises a new business, that is installed on an initial and temporary, non-permanent basis, longer than a 30-day period. Sign dimensions shall not exceed those set forth in Section 94.13.07(7) listed under the associated zoning district. This sign type is only valid from November 1st to May 1st. No single use is permitted to display more than one commercial sign pro tempore. An advertising vehicle sign is not a permitted temporary commercial sign, but a mobile sign is permitted. If a portable variable message sign (VMS) is used as a commercial sign, then the regulations in Section 94.13.04(4) shall also apply. This sign type does not include price or temporary item signs or temporary commercial signs and banners as described above. A sign permit shall be required for *both* a commercial sign pro tempore serving this purpose and a permanent freestanding sign. This sign type may only be applicable in the following additional circumstances:

(a) The sign is a part of an approved site plan for the purpose of new construction;
(b) A freestanding sign is currently not installed on the premise; or
(c) A non-conforming permanent, freestanding sign is being removed and replaced with a new permanent, freestanding sign in conformance with this Chapter.

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 18th day of April, 2016

WESTON VILLAGE BOARD

By: Barbara Ermeling

Barbara Ermeling, its President

Attest:

Sherry Weinkauf, its Clerk

APPROVED: 4/19/16

PUBLISHED: 4/20/16

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on April 18, 2016, the following Ordinances:

- Ordinance No. 16-003 An Ordinance Amending Section 94.3.02 of the Zoning Ordinance Entitled Treatment of Allowable Uses by Zoning District.
- Ordinance No. 16-004 An Ordinance Amending Section 94.4.02(4)7. of the Zoning Ordinance Entitled Residential Land Use Types – Manufactured Home Community – Performance Standards.
- Ordinance No. 16-005 An Ordinance Amending Section 94.6.03(4), Figure 6.03 of the Zoning Ordinance Entitled Conditional (C), Prohibited (R), And Permitted (P) Uses in WHP Overlay Districts.
- Ordinance No. 16-006 An Ordinance Amending Section 94.13.08 of the Zoning Ordinance Entitled One-Time Event Signs.
- Ordinance No. 16-007 An Ordinance Amending Section 94.16.02(4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.02(5) of the Zoning Ordinance Entitled Notice of Public Hearing, Section 94.16.03 (4) of the Zoning Ordinance Entitled Zoning Administrator Review and Recommendation, Section 94.16.03(5) of the Zoning Ordinance Entitled Notice of Public Hearing, and Section 94.16.03(7) of the Zoning Ordinance Entitled Review Criteria for Amendments to the Official Zoning Map.
- Ordinance No. 16-008 An Ordinance Amending Section 94.16.06(2), (3) and (4) of the Zoning Ordinance Relating to the Conditional Use Permit Approval Process.
- Ordinance No. 16-009 An Ordinance Amending Section 94.16.11(4) and (5) of the Zoning Ordinance Relating to Variance Procedures.
- Ordinance No. 16-010 An Ordinance Amending Section 94.16.13(4) of the Zoning Ordinance Relating to Concurring Vote and Decision of an Appeal of a Zoning Interpretation.
- Ordinance No. 16-011 An Ordinance Amending Section 94.16.15(2) of the Zoning Ordinance Relating to Zoning Administrator Duties.
- Ordinance No. 16-012 An Ordinance Amending Section 94.3.03(13) of the Zoning Ordinance Entitled Utility Connections to Principal Building for Human Habitation.
- Ordinance No. 16-013 An Ordinance Amending Section 94.16.19(1) of the Zoning Ordinance Entitled Violations, and Section 94.16.19(3) of the Zoning Ordinance Entitled Penalties.
- Ordinance No. 16-014 An Ordinance Amending Figure 5.01 (1) of the Village Zoning Ordinance Entitled Rural, Open Space and Residential District Lot Dimension and Intensity Standards.
- Ordinance No. 16-015 An Ordinance Amending Section 94.5.08(1)(b) and (d) of the Zoning Ordinance Relating to Calculating Maximum Permitted Density in the AR District.
- Ordinance No. 16-016 An Ordinance Amending Section 94.16.09(4) of the Zoning Ordinance Relating to Site Plan Procedures Application Contents.

- Ordinance No. 16-021 An Ordinance Creating Section 94.4.10(13) of the Zoning Ordinance Entitled Temporary Sales by Mobile Food Vendors and Adding This New Temporary Land Use to the Temporary Land Use Category Within the Charts Displayed in Figures 3.04 And 3.05 of the Village Zoning Ordinance and Amending Section 94.17.04 Definitions of the Zoning Code to Create Definitions Related to This New Use.

The full text of the above 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.

Dated this 19th day of April, 2016
Sherry Weinkauf, Village Clerk

Published: 4/20/16