



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

**ORDINANCE NO. 18-XXX**

**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 ~~10~~ **six (6)** 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, its President

Attest:

\_\_\_\_\_  
Sherry Weinkauf, its Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_