

To: Village of Fontana Staff  
 From: Mike Slavney, FAICP, Village Planner  
 Date: Tuesday, March 20, 2012  
 Re: Additional Proposed Changes to the Draft Zoning Ordinance

Sections 1-9 of this memorandum includes proposed revisions to Chapter 18: Zoning Ordinance based on my interpretation of the direction of the Plan Commission and Village Board at the March 5<sup>th</sup> meeting. While this memo reflects direction provided, I would like the Plan Commission and Village Board to reconsider its decision to permit additional dwelling units on the lakefront. The direction to reinstate the provisions of the current ordinance reverses the results of several Plan Commission and Village Board work sessions, and as I understand it, is one of the main reasons for undertaking the code rewrite.

In addition, with regard to illuminated signs, I would like to clarify that in addition to down-lit signs, back-lit (silhouette) signs may be permitted (see *Section 4* of this memo). I would also like to suggest that internally illuminated signs be prohibited (see *Section 10* of this memo). Such prohibition would be an effective way for the Village to preserve its unique character in a very noticeable way. The ability to use down-lit or back-lit signage provides an effective way to promote businesses after dark while maintaining a distinctive character for the Village.

**Section 1: Adjust Section 18-28: Lakefront Residential District regulations to maintain historic density requirements, enable lot line adjustments, and to eliminate restriction on new principal structures.**

(Note that the following text amendments reflect the direction given by the Plan Commission and Village Board at the last work session to return the zoning rules for lakefront development to the current provisions).

- (a) Description and Purpose. The LR-0 district is intended to preserve the character of existing, ~~fully-developed~~ lakefront neighborhoods. The standards for this district are intended to maintain the ~~existing~~ historic permitted density while providing flexibility to homeowners for home renovations.
- (b) Principal Land Uses Permitted by Right.
  - (1) Existing Residential (see Section 18-55(l))
  - (2) Single-Family Residential (30,000 sq. ft. lot) (see Section 18-55(a))
- (m) Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the LR-0 zoning district are detailed in Figure 18-28.

Figure 18-28: Lot Line Adjustments in the LR-0 District	
Minimum Lot Area	30,000 square feet <del>Varies to allow the current lot area for each lot as of effective date of this Chapter</del>
Maximum Gross Density	40,000 square feet <del>Varies to allow the current gross density for each lot as of effective date of this Chapter (as determined by Zoning Administrator)</del>
Maximum Building Coverage	<u>30 percent</u> <del>25 percent</del>
Minimum Landscape Surface Ratio	50 percent
Minimum Lot Width	100 feet <del>Varies to allow current as of effective date of this Chapter</del>
Minimum Street Frontage	50 feet <del>Varies to allow current as of effective date of this Chapter</del>

- (n) Lot Line Adjustment. Lot line adjustments, as defined by Section 17-4(g)(4) in the Land Division Regulations, are permitted to make adjacent parcels larger or smaller so long as the minimum lot width and minimum area are not reduced below the requirements listed in Figure 18-28(b). Lot line adjustments shall not enable the creation of additional principal dwellings or other principal structures.
- ~~(o) Restriction on New Principal Structures. An important purpose of this district is to prohibit the creation of additional principal dwelling units within the Lakefront Residential district except that a new principal dwelling or other principal structure may be constructed on a vacant lot of record which complies with Figure 18-28(b).~~

**Section 2: Add Section 18-43(b)(5) to include signs in the list of flexible development standards in the Planned Development district.**

- (5) Sign Regulations. Sign requirements listed in Article 12 shall apply within a Planned Development based upon the requirements of the zoning district existing on the subject property prior to the approval of the Planned Development district. However, new sign requirements may be created for the subject property through the provisions of a Planned Development district, as explicitly provided for within the approved General Development Plan (GDP) or Precise Implementation Plan (PIP).

**Section 3: Revise the proposed definition for commercial flag and add the following definition for temporary business sign.**

**Flag, Commercial:** A flag or pennant displaying the name, insignia, emblem, or logo of a business, or the term “Open.”

**Temporary Business Sign:** Any temporary sign used to announce an event or promotion such as a “Grand Opening,” “Now Open for Business,” “Welcome Members,” or “Holiday Sale.”

**Section 4: Generally retain Section 18-197(c) and (d) as currently written, which reflects existing sign ordinance standards, but also clarify that back-lit signs may also be permitted.**

- (c) No illuminated flashing signs shall be permitted. Flashing signs are those that change their appearance more than once every 60 seconds. Electronic message center signs and time/temperature signs are permitted with a conditional use permit. Chasing lights shall not be allowed.
- (d) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting is down-lit or back-lit (silhouette) and the lighting level does not affect adjacent property, pursuant to the standards of Subsection 18-165. All illuminated signs shall be extinguished at the close of business conducted within the building or upon the premises to which the sign is attached or located, whichever is earlier. All illuminated signs shall comply with the state electrical code. A separate permit shall be required for compliance with the electrical ordinance.

**Section 5: Adjust the proposed Section 18-198(j) to impose a size limitation on community information signs.**

- (j) Community Information Sign.
  - (1) Such signs may be located on private property within a non-residential district.
  - (2) Such sign shall not be counted as adding to the area of signage on the subject property.
  - (3) Copy which may be considered as advertising a specific product or private or restricted-participation event shall be prohibited.
  - (4) Such signs shall not exceed 50 square feet unless a larger area is approved through the conditional use process.

- (5) Such signs to be erected by an entity other than the Village shall require a conditional use permit.

**Section 6: Adjust proposed Section 18-200(c)(8) to specifically regulate permanent commercial flags as follows:**

- (8) ~~Commercial flags, banners, and pennants. Such signs do not require a sign permit, however, the following requirements shall apply:~~
- a. ~~Such signs shall be permitted only within 75 feet of the ordinary high water mark of Geneva Lake on parcels which are zoned the Village Center or Resort Business districts.~~
  - b. ~~One wall and one pole mounted sign shall be permitted for each business.~~
  - c. ~~All such signs shall not exceed 15 square feet.~~
  - d. ~~Such signs may only be displayed during business hours.~~
  - e. Existing commercial flags, banners and pennants shall be limited to the number, location, and area established as of the effective date of this Chapter as demonstrated by property owners and as determined approved by the Zoning Administrator.
  - f. ~~New commercial flags, banners and pennants shall be approved through the conditional use process.~~

**Section 7: Adjust Sections 18-197(b) and 18-202(9) to rename “Open for Business Sign” to be “Temporary Business Sign” which will hopefully clarify the purpose of such sign type. Also adjust regulations per Village direction as follows:**

**18-197: Sign Prohibitions and Limitations**

- (b) No fluttering, undulating, inflatable, swinging, rotating, or otherwise moving signs or other decorations, including sequin-like eye-catcher devices, shall be permitted, with the exception of ~~“Open for Business Signs”~~ noncommercial flags, banners, and pennants per Section 18-192(d), commercial flags per Section 18-200(c)(8), and “Temporary Business Signs” described in Section 18-202(c)(9).

**18-202(c): Temporary Signs**

- (9) ~~Temporary Open For Business Sign.~~
- a. ~~Permitted sign types include freestanding, wall sign, banner, pennant, commercial flag, or lawn sign.~~
  - b. ~~One such said sign is permitted per business and shall be located on the subject property at a location and in a configuration approved by the Zoning Administrator and holding a valid sign permit.~~
  - c. ~~The open for business~~ Such sign shall be exempt from the limits on general temporary signs in (a), above; however, Any new business, as defined by Wis. Stats., may install on a temporary basis such signs shall be in place for a period not to exceed 90 days. from date of occupancy, a sign that conveys a new business is open message.
  - d. Said sign shall not be in the right of way or in other ways create a hazard to the public health, safety, and general welfare as determined by the Zoning Administrator.
  - e. All such signs shall not exceed 32 square feet in area.
  - f. All such signs shall not exceed 6 feet in height if freestanding.
  - g. Such signs shall be located below the eave or parapet if attached to a building wall.
  - h. Any illumination shall meet the applicable electrical codes and the exterior lighting requirements.
  - i. Such signs shall comply with all requirements of this Article except 18-197(b).

**Section 8:** Add the following regulations to Sections 18-40I.(i)(2)d. and (3)e. of the Abbey Resort Business Subdistrict pertaining to Temporary Business Signs:

**Signs permitted within the Central Area**

- d. Temporary Business Signs are permitted in the Central Area without a permit. In addition, because of the unique resort business nature of the Abbey Resort, there shall not be time limitations for temporary business signs within the Abbey Resort Subdistrict.

**Signs permitted within the Peripheral Area**

- e. Temporary Business Signs are permitted per the following:
1. A maximum of 32 square feet per sign.
  2. A maximum of 4 signs may be permitted at any one time.
  3. In addition, because of the unique resort business nature of the Abbey Resort, there shall not be time limitations for temporary business signs within the Abbey Resort Subdistrict.

**Section 9:** Move Section 18-202(8) related to menu boards from the temporary sign section and place into Section 18-200 for sign regulations for permanent non-residential signs.

**Section 10:** Add a section to prohibit internally illuminated signs in Section 18-197.

- (r) Internally illuminated signs are prohibited. Internally illuminated signs existing as of the existing date of this Chapter are to be considered legal, fully conforming and are permitted to remain in their location and configuration as of the effect date of this Chapter so long as their appearance is not altered.