



# VANDEWALLE & ASSOCIATES INC.

To: Village of Fontana Officials  
From: Mike Slavney, FAICP, Village Planner  
Date: Thursday, February 23, 2012  
Re: Proposed changes to Village Review Draft of the Zoning Ordinance

This memorandum provides the proposed revisions to Chapter 18: Zoning Ordinance based on direction of the Village at the January 30<sup>th</sup> meeting and as directed by staff at the regular monthly meeting on February 15<sup>th</sup>.

**Section 1: Add the following regulations to Section 18-28: Lakefront Residential District to enable lot line adjustments and to clarify that construction of a new principal structure may be permitted on existing vacant platted lots.**

- (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.

Minimum Lot Area	30,000 square feet
Maximum Gross Density	1 dwelling unit per acre
Minimum Lot Width	100 feet
Minimum Street Frontage	50 feet

- (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: Adjust Section 18-64(f) to more closely align with current accessory living quarters standards in Section 18-27(4) of the current ordinance.**

- (f) Accessory Dwelling Unit: A dwelling unit established in conjunction with and clearly subordinate to the principle dwelling unit. Accessory dwellings may be located on the same lot as a single-family dwelling unit, either in the same building as the single-family dwelling unit or in a detached accessory building. Accessory dwelling units may also be permitted on the ground floor of a building used for an office, commercial, or institutional land use, but may not be within the first 24 feet of the ground floor measured from the front of the building. More than one dwelling unit

within a mixed use structure shall be treated as a mixed use residential land use. Accessory dwelling units shall adhere to the following listed regulations.

- (1) Accessory dwelling units shall adhere to the accessory land use requirements in Section 18-52(b).
- (2) Only one accessory dwelling unit shall be permitted on any one site, if permitted by the zoning district of the subject site.
- (3) Accessory dwellings shall not exceed 50 percent of the principal dwelling's floor area, up to a maximum size of 1,500 square feet, whichever is smaller in size.
- (4) The principal building must be owner-occupied.
- (5) The accessory dwelling unit shall not be sold separately from the principal dwelling or the remainder of the property.
- (6) The accessory dwelling unit may be occupied by family or non-family members.
- (7) Additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street-side elevations.
- (8) Entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway. On corner lots, primary entrances to accessory dwelling units shall be placed on the façade parallel to the side street.
- (9) The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling; however, a distinct address and/or distinct utility meter is permitted.
- (10) Accessory dwelling units shall not be located in a boat house or in a structure less than 75 feet from the ordinary high water mark.

**Section 3: Adjust Section 18-65(i)(1)b. and c. to restrict the duration of limited duration special activities and events to 45 days.**

- b. Temporary activities or events shall be limited to a period of no more than ~~60~~ 45 consecutive days in the IN, VC, CB districts and the Abbey Resort and Abbey Harbor Marina Subdistricts of the RB district. A temporary use permit is not required for these events or activities.
- c. Temporary activities or events of a duration exceeding ~~60~~ 45 consecutive days shall secure a temporary use permit per Section 18-248.

**Section 4: Adjust Section 18-197(b), (c), and (d) to prohibit, with no exceptions, moving signs and internally illuminated signs. Such regulations are more restrictive than typically adopted in other communities.**

- (b) No fluttering, undulating, swinging, rotating, or otherwise moving signs or other decorations, including flag, pennants, and sequin-like eye-catcher devices shall be permitted. There shall be no exceptions to this prohibition; variances, conditional use permits, and planned development provisions to enable such sign shall not be granted. with the exception of "Open for Business Signs" described in Section 18-202(e)(9).
- (c) No internally illuminated signs shall be permitted, including flashing signs, silhouette or backlit signs, chasing lights, electronic message board signs, scrolling letters or images, time and temperature signs, and video screen signs. There shall be no exceptions to this prohibition; variances, conditional use permits, and planned development provisions to enable such sign shall not be granted. ~~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 externally illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting is down-lit 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: Add the following definitions to Section 18-13 to clarify the purposes of sign types.**

Electronic Message Board Sign: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign which does not display any other changeable message shall be considered an electronic message board.

Flashing Sign: A sign that changes its message/appearance more than once every 60 seconds.

**Section 6: Adjust Section 18-202(9) to prohibit flags as an open for business sign type.**

- (9) Open For Business Sign. Any new business, as defined by Wis. Stats., may install on a temporary basis for a period not to exceed 90 days from date of occupancy, a sign that conveys a new business is open message.
  - a. Said sign shall be at a location and in a configuration approved by the Zoning Administrator and holding a valid sign permit.
  - b. 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.
  - c. All such signs shall not exceed 32 square feet in area nor 6 feet in height if freestanding, or shall be located below the eave or parapet if attached to a building wall.
  - d. Any illumination shall meet the applicable electrical codes and the exterior lighting requirements.
  - e. The open for business sign shall be exempt from the limits on general temporary signs in (a), above.
  - f. Such signs shall comply with all requirements of this Article. ~~except 18-197(b).~~

**Section 7: Add Section 18-198(j) to permit community information signs.**

- (j) Community Information Sign.
  - (1) Such signs are permitted only with a conditional use permit.
  - (2) Such signs may be located on private property within a non-residential district.
  - (3) Such sign shall not be counted as adding to the area of signage on the subject property.
  - (4) Copy which may be considered as advertising a specific product or private or restricted-participation event shall be prohibited.
  - (5) The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements.
  - (6) A Village-approved community-wide wayfinding signage program that includes off-premises directional signage for restaurants, hotels, and other tourism-related businesses will be regulated as community information signs.

**Section 8: Add the following provision to Section 18-202 to permit temporary signs in Planned Development districts.**

- (10) Placement of temporary signs that are in compliance with the regulations of this section shall be permitted in Planned Developments districts without securing an amendment to a Precise Implementation Plan.