



VANDEWALLE & ASSOCIATES INC.

To: Village of Fontana Officials
From: Mike Slavney, FAICP, Village Planner
Date: Monday, November 28, 2011
Re: Response to Attorney Richards' November 27th Memo

This memo provides our response to Dean Richards' memo of November 27th regarding the proposed Resort Business District. We feel the majority of Atty. Richard's comments are not policy issues and may be easily addressed. Those for which we are seeking your guidance have been highlighted in bold text. Unless otherwise noted, all sections referenced below are from Section 18-40: Resort Business (RB) District.

1. Section I.(b)—we agree, the phrase “except as modified by this Section” may be eliminated.
2. Subsection I.(d)(2)e.—As indicated under Section I.(b), all existing paved surfaces are permitted as of the effective date of the new Ordinance. Any new on-site parking in the Peripheral Area would require a conditional use permit.
3. Section I.(f)—Per Atty. Richards' request, the following overlay zoning districts apply in the Resort Business District: Floodplain, Shoreland-Wetland, and Environmental Corridor overlay districts.
4. Subsection I.(g)(3)b.—Landscaping requirements in the proposed Ordinance require all *new* paved areas to be screened with a minimum amount of landscaping regardless of location. We therefore propose the following clarification to this Subsection:
“For additional paved areas (located within the Peripheral Area) associated with new development, parking lot screening shall be required along all public streets (per the requirements of Section 18-175(d)). Existing landscaping shall be counted towards meeting such required landscaping. In lieu of landscaping, a wall may be used, subject to the following:”
5. Subsection I(i)(2)—We agree, Section 18-195 (Signage Standards) indicates that review and issuance of sign permits shall be the duty of the Zoning Administrator. We will revise this Subsection to list the Zoning Administrator instead of the Plan Commission.
6. Subsection I(i)(2)a. and b.—All existing signs and signs in the proposed “upgrade packet” are permitted and will be reviewed per 5., above.

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7. Table on page 5
 - a. Row 3, column 5—We will revise the table to omit the word “only” to prevent confusion in the event that a proposed modification straddles the Central and Peripheral Areas.
 - b. **Footnote 1—Atty. Richards suggests the following language be added to the footnote: “Submittal requirements shall be deemed fully satisfied if all information relevant to, but limited in scope of the requested modification is permitted.” Should this language be added:**
 - (1) here, to apply only within the Resort Business District; and/or,
 - (2) to the requirements for site plan review in Section 18-245(e)(6) which allows the Zoning Administrator the ability to provide additional information or waive certain site plan submittal requirements, and thus apply Village-wide?
 - c. Footnote 3—we recommend the following clarification regarding “cumulative” improvements:

“Village staff shall be responsible for maintaining an inventory of permanent development contributing to the 10,000 square foot cumulative limits, which are made after the effective date of this Chapter.
8. **Section 18-65(i)(1)(c)—Atty. Richards suggests a period of time be designated at which an event is no longer considered a “limited duration activity and event,” and instead becomes long-term temporary use. The proposed ordinance currently sets 15 days as the limit for temporary uses in the Institutional, Village Center, Community Business Districts and the Abbey Resort, and Abbey Harbor Marina Subdistricts, and 3 days in all other districts. Is 15 days appropriate? Should the Abbey Resort and Marina be eligible for longer-term temporary uses?**
9. Section 18-65(i)(3)—The conditional use permit requirement for temporary activities within 100 feet of a residentially zoned property was intentional. We will provide clarification that this requirement is not applicable in any portion of the Abbey Resort Subdistrict, and is only applicable within the extreme southern end of the Abbey Harbor Marina Subdistrict. This is because the Abbey Villas and Abbey Ridge areas are not zoned residentially, but rather Resort Business, which is categorized as a commercial zoning district. All other areas on the opposite side of Highway 67, Fontana Boulevard, and Lakeshore are zoned one of the following: Village Center, Institutional, or Planned Development.