



# VANDEWALLE & ASSOCIATES INC.

To: Village of Fontana Plan Commission and Village Board  
From: Mike Slavney, Village Planner & Brandy Howe, Project Assistant  
Date: Monday, May 23, 2011  
Re: Zoning Ordinance – Draft #1

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This memo and the enclosed draft of the Zoning Ordinance are provided to the Plan Commission and Village Board for review. Approximately 80 percent of the contents and standards of the existing zoning ordinance have been retained, including district standards, procedures, and definitions. To assist with your review of the draft Ordinance, and to focus your attention on key policy issues, the remainder of this memo will detail those topics that warrant detailed discussion. We are also happy to receive comments and feedback on any other section of this draft Ordinance.

1. Definition of Building Height (see page 7). The Village's current building height definition is retained in the draft Ordinance as it will best protect existing property rights. We would like to offer the option of including an alternative definition that would define height using average grade and average roof height. This alternative definition would only be applied in certain situations and would require Plan Commission approval through the conditional use process. Notably, the alternative definition would enable substantially taller buildings that could be physically and politically disruptive.
2. Shore Yard Setback. Section 18-28(m) (see page 25) includes a 50 foot minimum shore yard setback for all structures in the Lakeshore Residential (LR-0) District. Shoreland setbacks in neighboring communities range from 75 to 150 feet. These include:
  - City of Delavan—75 foot setback in Shoreland-Wetland Overlay District; setback may be reduced to the average of the existing shore yards on abutting properties within a distance of 100 feet of the subject site, but shall not be reduced to less than 40 feet.
  - City of Lake Geneva—100 foot setback in Lakeshore Overlay District
  - Village of Williams Bay—proposed as 150 feet in all districts but the Lakeshore Business and Community Business zoning districts (75 feet)
  - Towns of Linn and Geneva—75 foot setback under Walworth County zoning

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Shaping places, shaping change

Should building additions and/or new structures be permitted closer to the lakeshore if the existing setback is currently greater than 50 feet from the lakeshore?

- a. Option #1: No change (keep setback at 50 feet). The effect of retaining this setback is that any building addition or new structure currently permitted would also be allowed under the new Ordinance.
  - b. Option #2: Prohibit building additions closer to the lakeshore than what presently exists. The effect of this option is that all additions and new construction would occur even with or farther away from the lake from the existing structure.
  - c. Option #3: Adopt a larger shore yard setback and make all existing structures within that setback area legal conforming. No additions or expansions would be permitted within the new setback.
  - d. Option #4: Require retrofitting of a lakeshore buffer triggered by “new development” within a “lakeshore protection area.”
    - i. The depth of lakeshore protection area could be 50 ft., 100 ft., or 150 ft., or between existing principal structure and lake.
    - ii. Possible mitigation requirements:
      - Establish a DNR-type buffer of native vegetation (35' in depth with 20' view access corridors)
      - Require an area of native shoreline vegetation related to a percentage multiplier of the “footprint” of the new area of development (100%, 200%, 300%).
      - Environmental performance improvements related to stabilizing steep slopes or infiltrating stormwater.
3. Neighborhood Business Zoning District Design Standards. Section 18-37(i) on page 46 introduces design standards specific to the Neighborhood Business District. These additional restrictions are proposed to protect and maintain the existing Village character. Please consider whether the proposed standards are appropriate.
4. Village Center Zoning District Design Standards. Section 18-38(i) on pages 49-50 introduces design standards specific to the Village Center District. These additional restrictions are more comprehensive than those in the Neighborhood Business District. Again, we ask the Village to consider whether the proposed standards are appropriate.
5. Resort Business Zoning District. The Resort Business District (former C-4 district) has been retained from the existing zoning ordinance. The former C-4 district was established as a result of a negotiated agreement between the Abbey Resort and the Village. Village staff is interested in establishing more detailed and flexible zoning district provisions that would enable the district to be broken into several sub-areas (e.g. marina, hotel, etc.) within which a different mix of land uses could be permitted. This approach would allow the Abbey to make slight land use or operational modifications that could be handled by Village staff in lieu of a revised site plan or PIP. The Village would like to meet with the Abbey Resort development team to discuss the current draft Ordinance and the above described alternative approach.

6. Neighborhood Specific Zoning Districts. Sections 18-44 on page 65 and 18-254 on page 277 contain procedures to establish neighborhood-specific zoning districts. This approach allows neighborhoods to determine neighborhood-specific design district standards and requires approval of at least 50 percent of property owners within the proposed district boundary.
7. Floodplain & Shoreland-Wetland Penalties. Articles 8 and 9 contain the most current DNR models for Floodplain and Shoreland-Wetland Ordinances. These Articles identify penalty fees (see Section 18- 145 on page 161 and Section 18-158(f) on page 175) of not less than \$100.00 and not more than \$200.00—these figures are in line with the other Walworth County communities.
8. Building Design Requirements. Article 10—Section 18-164 on pages 179-181 in particular—contains design standards within the Village. An important policy question for the Village to consider is how far the new Ordinance should regulate building design for the above listed land use types. For example, Section 18-164(d) regulates roof design in the Village. Should the Village require pitched roofs for all buildings, or, should flat or low-pitched roofs be permitted in certain cases? Section 18-164(e) regulates certain building materials. Should the Village prohibit the use of certain building materials? Specifically, are cedar shakes or log cabins appropriate in the Village?
9. Flag Signs. Article 12 contains current Village sign regulations in a reorganized format. In addition to current regulations, we have added Section 18-202(c)(9) on page 225 to address temporary flag signs within the Village, such as the one on the April agenda.
10. Extraterritorial Zoning. Article 16 contains the Village’s existing Extraterritorial Zoning ordinance, which has been reformatted to match the new Ordinance. We will work with staff to integrate amendments and adjust cross references where appropriate to match the draft Zoning Ordinance.
11. Construction Site Erosion Control. Article IX. Construction Site Erosion Control is not included in the draft Ordinance. This Article will be included in the new Stormwater Management Ordinance being prepared by Ruckert Mielke.

We look forward to receiving feedback from the Village this first draft of the Village Zoning Ordinance.