

**Fremont Community Joint Planning Commission  
Meeting Minutes**

**Monday, December 13, 2010  
5:00 p.m. – 6:30 p.m.  
Fremont City Hall  
Council Chambers**

<b>Members Present:</b>	Sheridan Charter Township:	Don Potter
	Sheridan Charter Township:	Jeff Wharton
	Sheridan Charter Township:	Jack Taylor
	City of Fremont:	Jim Breinling (Chair)
	City of Fremont:	Marcia Eib
	City of Fremont:	Peg May
	City of Fremont:	Lon Vredeveld
	Dayton Township:	Kent Folkema
	Dayton Township:	Shirley Hooker

<b>Members Absent:</b>	Sheridan Charter Township:	Tom Karnemaat
	City of Fremont:	Jim Sloan
	Dayton Township:	Chuck Whitman

<b>Others Present:</b>	Sheridan Charter/Dayton Townships:	Peter Lance
	City of Fremont:	Michele Ribant

**Call to Order and Opening Remarks**

The meeting of the Fremont Community Joint Planning Commission was called to order at 5:01 p.m. by Jim Breinling.

Chair Breinling reminded the Commission that some members on the Commission have terms that expire on 12-31-10. He asked that when the membership positions are confirmed by the Townships that they let Michele Ribant know, so she may update the records accordingly. The Commission was provided with a Commission Roster.

The Commission was also provided with a copy of the Education Worksheet that outlines the Commissioners' education credits for the year. Chair Breinling asked the Commission to review the Worksheet to make sure it accurately denotes all the education sessions that were attended during 2010. He said feedback should be provided to Michele Ribant.

**Review and Approval of Agenda**

Don Potter indicated that under agenda item 12, "Next FCJPC Meeting Date", the year listed should be "2011" not "2010".

A motion was made by Don Potter, seconded by Peg May and carried to approve the agenda with the correction noted.

**Review and Approval of Minutes**

A motion was made by Lon Vredeveld, seconded by Marcia Eib and carried to approve the minutes of the October 25, 2010 FCJPC meeting.

**Review and Acceptance of Joint Zoning Working Group Minutes**

A motion was made by Jack Taylor, seconded by Shirley Hooker, and carried to accept the minutes from the November 15, 2010 Joint Zoning Working Group as presented.

With regard to the November 22, 2010 Joint Zoning Working Group minutes, the following corrections were noted:

- On page 2 under the first bullet there is reference to “Urban Commercial District”; the reference should be to the “Rural Commercial District”. Accordingly, the last sentence of the paragraph under the first bullet should read as follows:

“Therefore, Jim Breinling suggested that seasonal restaurants be permitted in the Rural Commercial District, and the Working Group agreed with the recommendation.”

- Under the section entitled, “Next Joint Zoning Working Group meeting” reference is made to the year “2010”; the reference should be to the year “2011”.
- Under the section entitled, “Adjournment”, the time adjourned states “4:35 p.m.”; it should state “5:35 p.m.”

A motion was made by Jack Taylor, seconded by Shirley Hooker and carried to accept the minutes from the November 22, 2010 Joint Working Group with the corrections noted.

### **Public Comment**

There was no public comment.

### **Old Business**

There was no old business.

### **Report of the Chair**

Chair Breinling said the agenda packet included a 2011 Fremont Community Joint Planning Meeting Schedule. He indicated that the schedule shows the Commission meeting every other month. He said that this schedule can be changed during the year, if necessary, to accommodate a changing work load.

A motion was made by Marcia Eib, seconded by Peg May and carried to approve the 2011 Fremont Community Joint Planning Meeting Schedule as presented.

Chair Breinling said the agenda packet also included a 2011 Fremont FCJPC Zoning Working Group Meeting Schedule. He said that in the months where the full FCJPC does not meet, the Working Group will meet twice in order to move the joint zoning ordinance project forward faster.

A motion was made by Jack Taylor, seconded by Peg May and carried to approve the 2011 Fremont FCJPC Zoning Working Group Meeting Schedule as presented.

Chair Breinling informed the Commission that he will not be available to chair the January 17, 2011 Joint Zoning Working Group meeting and that Jack Taylor agreed to chair that meeting.

Chair Breinling provided the Commission with a handout entitled, “Status of the FCJPC Joint Zoning Working Group Project – Joint Zoning Ordinance”. He reviewed the progress of the Joint Zoning Ordinance project with the Commission.

## **Update on Working Group’s Response to FCJPC’s Feedback from the October 25, 2010 Meeting**

### **Rural Commercial District Regulations**

Chair Breinling said that the Working Group’s responses to the FCJPC’s feedback is detailed in the November 22, 2010 Joint Zoning Working Group minutes. He went on to say that in response to the issue with regard to allowing the owner of what was an ice cream shop to be sold and used as such in the future, the recommendation of the Working Group is to

allow seasonal restaurants. He said that the Working Group thought that the following requirements regarding permitting a seasonal restaurant in the Rural Commercial District should be included in the applicable regulations:

- That a square footage limit be set; it was suggested that the square footage not exceed 1000 sq. ft.
- That the seasonal restaurant be allowed a walk-up window and one drive thru lane
- That the seasonal restaurant be allowed to be open no more than nine (9) months in a year

It was pointed out by Jack Taylor that the while the Commission wanted to address this one specific scenario (allowing business owner to sell property so it could be used for the same type of business he had), the recommendation to allow seasonal restaurants makes sense from a broader perspective in that it would be a reasonable use for the Rural Commercial District.

It was suggested that a definition as well as regulations to allow the seasonal restaurant in the Rural Commercial District need to be created. It was also pointed out that parking requirements for seasonal restaurants will have to be addressed under the Rural Commercial District regulations in the new Zoning Code.

Chair Breinling said the Working Group recommends that regulations be included in the Rural Commercial District that address “Outdoor Display Areas”, with large items (e.g., tractors) and small items (mulch). The large items would be classified as “Outdoor Inventory”. The Commission wanted language to be developed that would allow some items, such as mulch to be placed anywhere on the property that is safe. Michele Ribant said items are not allowed in the right-of-way. It was suggested that a five (5) foot front setback be required. The Commission also wanted to allow downtown business owners to display items outside their doors on Main Street as long as there is a clear walking path. Michele Ribant said she will look into creating language that would satisfy the Commission’s desires in terms of outdoor display areas.

### **General Provisions – Fences and Freestanding Walls**

Chair Breinling said the Working Group’s recommendations in relation to Fences and Freestanding Walls are outlined in the November 22, 2010 Working Group notes. Chair Breinling indicated that in terms of fences around retention ponds, there are fences around some, such as the ones at Walmart and Walgreens. He said the new DPW garage does not have a fence around it. He went on to say that the Working Group felt this should be handled as part of the site plan review process. Michele Ribant was asked to look into what requirements, if any, the Newaygo County Drain Commission imposes.

Marcia Eib asked about allowing fences in front yards in the Lake Districts. After some discussion, the Commission decided to leave the regulations pertaining to fences in front yards in the Lake District as they are currently proposed.

### **Review of Some of the General Provisions**

Chair Breinling reviewed the proposed language for some of the General Provisions and for the definition of “Essential Services”. The FCJPC then approved by consensus the following language:

### **Clear Vision Area (Applicable to all Districts excluding Agricultural Districts)**

- A. View: No plantings or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway. This shall not prohibit the maintaining of shrubbery or structures less than thirty (30) inches in height in this area.
- B. Clear Vision Area: On corner lots, except within the Urban Commercial District, the clear vision area shall mean a triangular area formed by the street property lines extended 25 feet in each direction and a line connecting them at points as described in the City’s adopted Traffic Safety Code from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. (Illustration provided)
- C. Any intersection within the Urban Commercial District shall provide a clear vision triangle that is 50 feet along the arterial street and 25 feet along the side street.

- D. The zoning administrator may require a reduction in the height of a screening improvement as may be required in this Ordinance where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to a screening improvement. In this case, height shall be reduced only for that portion of the screening improvement necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety.

## Essential Services

Essential services shall be permitted in all zone districts subject to review by the zoning administrator to determine that the yard, parking and landscaping and other requirements are met, and are designed to be compatible with surrounding uses. Ancillary facilities, which are determined by the Zoning Administrator to be necessary in support of essential services, may be permitted in any zoning district subject to the administrative approval procedures of this Ordinance.

**Definition: Essential Services:** The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies, or for the public health, safety or welfare. For the purposes of this Ordinance, wireless communications towers and antennas or wind driven devices to generate power are not considered essential services.

## Projections into Yards (applicable to all districts unless otherwise specified within the District regulations)

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, window awnings, cantilevered balconies, external stairways, eaves and similar elements:
- May project a maximum of four (4) feet into a required yard setback area.
- B. Uncovered and unenclosed porches, terraces, patios and similar structures, at a height above grade of two feet or less: decks of under two (2) feet in height above grade, balconies, window awnings, and similar structures which are open on all sides:
- May project a maximum of twelve (12) feet into a required front or rear yard setback area.
  - May project a maximum of four (4) feet into a required side yard setback area.
  - Must meet setback requirements of the main building if attached or immediately adjacent to the main building and they are subsequently permanently enclosed on any side or covered in any manner.
- C. Walkways, patios, and similar constructions at grade level, with no above grade features:
- May project into any required front or rear yard setback area
  - May project a maximum of four (4) feet into a required side yard setback area

## Required Area or Space

Any lot or lots in common ownership and yards, courts, parking areas or other spaces may be divided, altered or reduced if the area or dimension as divided, altered or reduced meets the minimum requirements of this Ordinance. If already less than the minimum required under this Ordinance, that area or dimension shall not be further divided or reduced.

## New Business

There was no new business.

## **Commissioners' Discussion**

Chair Breinling asked what the Commissioner's feedback was on the training that was provided by LSL Planning on November 22, 2010 on planning and zoning issues. One commissioner reported that it was very basic information. Another one indicated that the issues were interesting, especially the issue of medical marijuana. Chair Breinling said the Fremont Planning Commission will address medical marijuana, wind energy and community gardens in 2011.

Chair Breinling informed the Commission of the following:

- Entryway signs are up, and the landscaping around them will be installed in the spring.
- The City started to enforce its Blight Ordinance.
- Deer Management practices in the City are being followed for the fourth year.
- Sheridan Charter Township will have to take the lead on the next phase of the installation of the Town & Country Path.
- There is a new Subway restaurant approved for development just east of Tractor Supply.
- The Community Bio-Digester project was approved for development in the Industrial Park.

It was reported that in Dayton Township Kent Folkema's son bought the old buffalo farm. It was reported that Sheridan Charter Township adopted regulations on wind energy that largely emulates Dayton Township's regulations on the issue.

## **Next FCJPC Meeting**

February 28, 2011  
City of Fremont  
5:00 p.m. – 6:30 p.m.

## **Adjournment**

There being no further business of the Commission, the meeting adjourned at 6:35 p.m.