

CITY OF FREMONT
MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

Tuesday, October 28, 2008
Fremont City Hall

A regular meeting of the City of Fremont Planning Commission was held in the Council Chambers at the Fremont City Hall on Tuesday, October 28, 2008. The meeting was called to order at 4:04 PM.

Present: Chair Don Henry and Commissioners Jack Butterick, Dennis Caplis, Jane Drake, Marcia Eib, Jim Krouse, Peg May, Jim Sloan and Lon Vredeveld

City Officials Present: Michele Ribant, Fremont Zoning Administrator

Approval of the Fremont Planning Commission Minutes

A motion was made by Marcia Eib, seconded by Jack Butterick and carried to approve the minutes from the September 23, 2008 Regular Planning Commission meeting.

A motion was made by Jim Sloan, seconded by Dennis Caplis and carried to approve the minutes from the October 23, 2008 Special Planning Commission meeting.

Public Hearing – Proposed Changes to the Fremont Form-Based Zoning Ordinance

Chair Henry opened the public hearing at 4:07 PM.

Chair Henry explained that the City's Form-Based Zoning Ordinance was effective in October of 2007 and that the Planning Commission has spent the last few months proposing amendments to the Ordinance that would refine it based upon feedback received from the community and the experiences of the zoning administrator in administering the new zoning ordinance. He indicated that the proposed changes were properly noticed. He called upon Michele Ribant to review the proposed changes to the Code.

Michele Ribant gave a general overview of the proposed changes to the Fremont Form-Based Zoning Ordinance as follows:

Article 1 – Purpose, Scope and Title: The changes in this section are housekeeping changes.

Article 2 – Definitions: In this section the following definitions were added or fine-tuned:

- Adjacent or Adjoining Lot or Parcel
- Artist/Craft Studio
- Attic
- Rear lot line
- Planning Act
- Signs: Corporate flag, electronic displays, inflatable sign, integral sign, off-premise sign (billboard), pole sign, portable sign, suspended sign, and wall sign. A few sign types (e.g., balloon) were eliminated because there was no reference to them in the Code.

- Through-Block Connection
- Uses

Entertainment and Recreation

- Moved the uses “Aerobics and dance studio” under a separate listing under this section.
- Fine-tuned language to read “restaurants with or without alcohol, except adult cabaret”
- Ice cream and confectionary store were added.

Industrial

- Added recycling of household and similar materials, such as paper, cardboard, glass, metal cans, etc.
- Added Scrap metal recycling, not including vehicle recycling

Retail

- Added Pharmacy, medical equipment

- Rear Yard

Article 3 – Application

- Fine-tuned or clarified language under Review Determination, Administrative Approvals, Administrative Departures, Site Plan Review, Zoning Board of Appeals, Zoning Ordinance and Map Amendments and Conditional Rezoning
- Added language under Site Plan Review that outlines when a site plan review would not be necessary
- Added language to outline how deviations from the Zoning Ordinance would be handled
- Added language concerning the expiration date of a project

Article 4 – Form-Based Districts

- In each form-based district, there was language added that outlines what constitutes a variance and what constitutes a deviation.

Estate District

- Clarified uses allowed under this District and added development requirements applicable to one use
- Added language under the “height” section that indicates that additional habitable space is permitted within the roof where configured as a half story
- Added language that would permit a ground sign for governmental and institutional uses only
- Fine-tuned regulations on awnings and canopy signs
- Added parking standards for educational uses
- Outlined that regulations on display areas, parking areas, screening and lighting apply to non-residential uses only
- Added language to make it clear that only one garage (attached or detached) is allowed.

Neighborhood District

- Clarified uses allowed under this District
- Added new language with regard to the RBL requirement for an addition

- Added language with regard to side yard setbacks that states that if located on a corner lot, driveways shall be at least 25 feet from any block corner or other driveway
- Added an administrative departure under the maximum lot area requirement giving the zoning administrator authority to permit a lot that exceeds the maximum lot area requirement by up to fifty (50%) percent for certain reasons.
- Added language dealing with height that states that additional habitable space is permitted within the roof where configured as a half story.
- Added an administrative departure that gives the zoning administrator authority in terms of window placement to alter the requirement under certain conditions
- Added language that states that no under or in canopy illumination may show through.
- Added language that states a front porch may not be enclosed.
- Added language that would permit a ground sign for government and institutional uses only
- Fine-tuned regulations on awnings, canopy and suspended signs
- Added language that clarifies some of the regulations dealing with parking
- Added language for parking standards for educational uses
- Added language on display areas, parking areas, screening and lighting
- Added language that clarifies regulations on accessory buildings

Mixed Use District

- Added language that clarifies uses allowed under this District
- Added language that clarifies regulations dealing with the required building line
- Clarified regulations with regard to height requirements in this District
- Added language to include canopies under this District
- Clarified a regulation with regard to windows/transparency
- Added language that clarifies which entry regulations apply to nonresidential uses
- Added language that makes it clear that signs are allowed in relation to non-residential uses
- Fine-tuned regulations on awnings, canopy and suspended signs
- Added language dealing with location of parking and number of parking spaces and added language for parking standards for Automotive Oriented Businesses and Residential Care
- Added an administrative departure which authorizes the zoning administrator to approve a different screening material
- Added language addressing non-residential accessory buildings

West Main District

- Added language that clarified uses allowed under this District
- Added language clarifying regulations on the required building line
- Added language clarifying the regulation on side yard setback
- Added language clarifying regulations on the height of buildings in the District
- Clarified a regulation on transparency requirements
- Added or clarified language on regulations for pole or ground signs, wall signs, awnings and canopies, suspended signs and political signs
- Added parking standards for residential care uses
- Added language that would permit a covered parking area for a shelter for horses and buggies

- Added language on sidewalk requirements adjacent to storefronts
- Added language clarifying landscape requirements in parking areas
- Added language which requires plantings around the foundation of buildings
- Added language which requires landscaping by drive-in or drive-through lanes
- Added language addressing accessory buildings in this District
- Added language on fencing in this District

Downtown Main District

- Added language clarifying uses allowed under this District
- Added language addressing building placement and projections
- Added a minimum floor area requirement of 450 sq. ft. per unit
- Added or clarified language for regulations for wall or projecting signs, awnings, canopy and suspended signs and temporary signs
- Added language that clarifies the parking requirements

Article 5 – Traditional Zoning Districts

Multiple Family District

- Added language clarifying uses allowed under this District
- Added language clarifying parking requirements
- Added language for parking standards for Entertainment and Recreation uses and Financial, Medical and Professional Office and Related Services uses and Utility uses
- Added regulation for screening in parking areas
- Clarified regulations on lighting

Manufactured Home Park District

- Clarified language on the purpose and intent of the Manufactured Home park District
- Clarified language on wall signs, real estate signs and political signs
- Added language for parking standards for Government and Institutional uses

Institutional District

- Clarified language on the purpose and intent of the Institutional District
- Deleted reference to industrial uses under this District
- Clarified language on wall signs, institutional signs and political signs
- Clarified regulations on sidewalks

Industrial District

- Clarified language on the purpose and intent of the Industrial District
- Clarified regulations on use and added uses allowed under this District
- Added new language under rear yard setback that makes it clear that properties that abut a railroad right-of-way along the rear property line shall have no rear yard setback requirement
- Added or clarified language for regulations for wall signs, awnings, canopy and suspended signs
- Fine-tuned language under the parking section of this District
- Added language under loading that states that delivery or supply trucks shall not be parked, loaded or unloaded on public rights-of-way.

- Added language under the lighting section that allows the Planning Commission to waive any portion or all of the lighting requirements if it determines that security of the site is adequate and lighting of certain areas is not warranted.

Waterfront Overlay District

- Added language clarifying the purpose and intent of the Waterfront Overlay District
- Added language that would allow for more special uses (e.g., Commercial boat launching and/or docking facilities and for some use restrictions)
- Added language dealing with key-holing

Article 6 – General Provisions

- Clarified regulations on projections into yards
- Added language on maximum lot width to depth ratio
- Added language on clear vision area
- Added language on fencing and walls
- Clarified language on repair and storage of vehicles
- Clarified regulations and added language on non-conforming site elements and nonconforming signs
- Clarified regulations and added language on landscaping
- Added language on outdoor lighting
- Clarified regulations and added language on signs
- Added regulations under the parking section dealing with driveways, surfacing and drainage and handicapped-accessible parking

After the summary of changes was reviewed, a discussion ensued about electronic displays which resulted in the following motion:

A motion was made by Jane Drake, seconded and carried to recommend to the City Council that the zoning ordinance be amended in relation to the definition of electronic displays to eliminate reference to animation and the illusion of motion so that the definition would read as follows:

“Electronic Display: An electronic changeable message sign that includes the presentation of text, pictorials and graphics which are displayed, or are capable of being displayed, in a progression of frames.”

A discussion on ground signs in the Neighborhood District took place. It was stated that the Commission is proposing to allow ground signs in the Neighborhood District with the following regulation:

“One 32 sq. ft. sign is permitted, not exceeding 6 ft. in height and set back at least 10 feet from all property lines.”

Michele Ribant indicated that she has received a request that the ground signs in the Neighborhood District be allowed to have a reader board or electronic display as part of the sign.

After some discussion, a motion was made by Lon Vredevelde, seconded and carried to recommend to the City Council that the Zoning Ordinance be amended to add the following

language to the ground sign regulation in the Neighborhood District for Government and Institutional Uses and Financial/Medical/Professional Office Uses only:

“Up to 30% of the sign may include a reader board or electronic display; however, electronic displays shall be limited to text only, with only one color used for text, on a single color background.”

Chair Henry informed the public that they are free to speak but that he asked that they use the podium and give their name.

Bill Johnson, Executive Director of the American Decency Association, indicated that his organization would like to install a monument sign but thought that the setback requirement, which he expressed as being 100 feet was too onerous and that the regulation allowing for a maximum sign size of 32 sq. ft. was too small. Michele Ribant indicated that the setback was 10 feet – not 100 feet.

Ron Workman, principal of the Cornerstone Christian Academy, expressed that they too would like to put up a monument sign, and they would like a 98 sq. ft. monument sign. He too thought that a 32 sq. ft. sign would be too small. It was determined that the Academy is located in the Estate District.

Sandy Bassett of Graphicus Signs & Designs said she was working with both the American Decency Association and Cornerstone Christian Academy in terms of a design for their monument signs. She showed examples of monument signs that were larger in size than what was being recommended in the Code, and she encouraged the Commission to consider allowing larger monument signs. She pointed out that at least one other church in town had larger signs and some of them are lit at night.

After some discussion, Marcia Eib made a motion, Jim Sloan seconded the motion, and the motion carried to recommend to the City Council that the zoning ordinance be amended to require a 5 foot setback requirement in relation to monument signs in both the Neighborhood District and the Estate District.

Chair Henry invited any other members of the public to speak, but there was no one that expressed an interest to do so. Therefore, Chair Henry closed the public hearing at 4:45 p.m.

Discussion on Issues Related to the Proposed Fremont Form-Based Zoning Ordinance

Michele Ribant brought it to the attention of the Planning Commission that the regulation that was recommended for approval in terms of allowing 30% of a ground sign in the Neighborhood District to be a reader board or electronic display was only proposed in the Neighborhood District. She asked if the Commissioners wanted to apply the same regulation in the Estate District.

After some discussion, Jane Drake made a motion, Jim Krouse seconded the motion and the motion carried to recommend to the City Council that the zoning ordinance be amended to include the following language in not only the Neighborhood District but also in the Estate District under Ground Signs for Government and Institutional Uses only:

“Up to 30% of the sign may include a reader board or electronic display; however, electronic displays shall be limited to text only, with only one color used for text, on a single color background.”

Vote on Proposed Amendments to the Fremont Form-Based Zoning Ordinance

A motion was made by Lon Vredeveld, seconded by Jack Butterick and carried to recommend approval to the Fremont City Council of all the proposed amendments to the Fremont Form-Based Zoning Ordinance as was outlined in the agenda packet and the proposed changes to the Zoning Ordinance voted on at the meeting today.

Fremont Community Joint Planning Commission Update

Chair Henry reported that the Fremont Community Joint Planning Commission (FCJPC) was provided with a copy of the proposed final Joint Comprehensive Plan at their October 27, 2008 meeting and that they are to provide Michele Ribant with final comments by Monday, November 3, 2008. He said that the Boards/Council will be provided with a copy of the Plan in November for their input. The FCJPC will review the comments of the Boards/Council at their meeting on November 24, 2008. The Plan will then be sent to neighboring jurisdictions, etc. in accordance with the Planning Act for their review. After the review period, a final approval will be needed. It is anticipated that the new Joint Comprehensive Plan will be adopted some time in the first quarter of the 2009.

Unfinished Business

Chair Henry asked what the next step is with regard to the Fremont Metal and Paper proposal. Michele Ribant reported that they are working to amend their plan and will most likely come before the Planning Commission in either November or December.

Next Meeting

November 25, 2008
Fremont City Hall
Council Chambers
4:00 PM

Adjournment

There being no further business of the Planning Commission, the meeting was adjourned at 6:47 PM.