

**FCJPC Zoning Working Group
Meeting Notes
Fremont City Hall
Fremont Council Chambers
Monday, October 18, 2010
4:00 – 6:00 PM**

Working Group Participants

Jim Breinling (Chair)
Peter Lance
Shirley Hooker
Michele Ribant

Working Group Members Absent

Jack Taylor

Call to Order

The meeting was called to order at 4:05 p.m.

Discussion on Issues to be Included in the General Provision Section of the New Joint Zoning Ordinance

After review of the revised General Provision entitled, “Temporary Uses or Buildings” the Zoning Working Group recommends that the language in the last paragraph be modified and become # 7 with the new language reading as follows:

Temporary Uses or Buildings

Upon written application the Zoning Administrator may issue a permit for the following temporary buildings or uses:

1. **Temporary Office Building.** Temporary office building or construction yard incidental and necessary to construction at the site where located. The construction trailer shall be removed when a certificate of occupancy is issued.
2. **Temporary Sales Office or Model Home.** Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
3. **Temporary sale of merchandise in commercial districts related to a seasonal or periodic civic event, such as a festival.** The sales areas shall not be located in the road right-of-way; inhibit site parking and vehicle flow; and block clear vision. The use shall last no more than ten (10) days.

4. **Seasonal uses including the sale of Christmas trees, fireworks and similar activities but not including road side stands.** Sales areas shall not occur in the road right-of-way; inhibit site parking and vehicle flow; and block clear vision. Parking shall not occur in the road right-of-way. The use shall last no more than sixty (60) days.
5. **Second homes as part of a new home building project.** Home to be removed must be removed no more than 180 days from certificate of occupancy.
6. **Temporary Storage of Signs and Supplies.** The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor or architect's identification signs in connection with a construction project. The storage is allowed for a period of up to one (1) year.
7. **Emergency Temporary Dwellings.** Temporary dwellings for use following fire, storms or other acts of nature may be authorized by the zoning administrator. Temporary dwellings may only be used by residents whose principal dwelling has been destroyed or damaged by fire, storms or other acts of nature. The temporary dwelling must be located on the same parcel as the principal dwelling. Temporary dwellings must be removed within thirty (30) days of occupancy in the new or repaired principal dwelling.

The permit is valid for one (1) year only and may only be extended upon approval of the Zoning Administrator.

In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:

1. The proposed temporary construction building and/or construction activity is necessary and if it is necessary that it should be located at the proposed location.
2. The use or structure will not have an unreasonable detrimental effect upon adjacent properties.
3. The use or structure is reasonably necessary for the convenience and safety of the construction proposed.
4. The use or structure does not adversely impact the character of the surrounding neighborhood.
5. Access to the use area or structure is located at a safe location.
6. The proposed activity does not place excessive use on the sanitary sewer and/or water system, nor create a hazardous fire condition.

7. The temporary use or structures shall minimize disturbance to the area and the surrounding land uses.

The Zoning Working Group reviewed the regulations in each municipality's zoning ordinance regarding "Home Occupation", and they recommend the following language to be included in the Joint Zoning Ordinance:

Home Occupation

1. No person other than the resident occupants and one (1) full-time equivalent employee shall be engaged in the home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling and/or accessory structure but shall not, in any case, exceed a total floor area of twenty-five (25%) of the total gross floor area.
3. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises. No stock or stock-in-trade shall be displayed outside on the premises.
4. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located on a hard-surfaced area.
5. In residential districts, one (1) wall sign, attached to the wall of the dwelling, shall be permitted. The sign may not exceed two (2) square feet in area and may not be directly illuminated. In addition, in agricultural districts a monument sign not to exceed six (6) sq. ft. may be erected on private property.
6. No home occupation shall be permitted which would increase traffic, fire and safety hazards, noise, dirt, odor, dust, gas, vibration or other nuisance elements. The following shall be prohibited in residential districts: automotive and engine repair, furniture refinishing and animal processing.

The Zoning Working Group also recommended the following definition from the City of Fremont's Zoning Ordinance for "Home Occupation":

Home Occupation: An occupation customarily conducted within a dwelling by its occupants as a subordinate use. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

The Zoning Working Group recommends the following language for Roadside stands:

Roadside Stands

Roadside stands may be permitted in the Agricultural Districts subject to the following:

1. Adequate off-road parking shall be provided on the property and outside the public right-of-way.
2. One (1) on-site sign may be permitted of up to six (6) sq. ft. in area, located outside of the road right-of-way and adhering to clear vision standards and have a height limit of eight (8) feet from the ground to the top of the sign.
3. Only locally grown produce may be sold at the stand.
4. Size of stand not to exceed 100 sq. ft.

The Zoning Working Group recommends the following language from Sheridan Charter Township's Zoning Ordinance for the definition of "Roadside Stands"

Roadside Stand: A structure of under one hundred (100) sq. ft. for the display and sale of agricultural products.

The Zoning Working Group recommends the following language which started with Sheridan Charter Township's language on "Main Building or Principal Use" and melded the City's language:

Main Building or Principal Use

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or principal use, except for groups of related agricultural, commercial and office buildings and multiple family buildings, retail business buildings or other groups of buildings contained within a single integrated complex. An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that a Zoning Administrator deems to be a principal use collectively.

The Zoning Working Group recommends the following language with regard to "Outdoor Boilers or Outdoor Wood Furnaces":

Outdoor Boilers or Outdoor Wood Furnaces

Outdoor Boilers also known as outdoor wood furnaces located outside a building shall only be permitted in the agricultural districts and shall be placed only under the following conditions:

1. The boiler shall meet, at a minimum, all setbacks required for accessory structures for the district in which the parcel lies.
2. The boiler shall be placed a minimum of 100' from any dwelling not located on the parcel serviced by the boiler.
3. The exhaust stack shall extend not less than 5' above the outer jacket of the boiler.

Note: “Outdoor boilers” also known as “Outdoor wood furnaces” are not allowed in the City of Fremont pursuant to the regulations outlined under Chapter 9 of the City of Fremont’s Book of Codes entitled, “Fire Prevention”.

The Zoning Working Group recommends adopting the definition for “Outdoor boiler” as outlined in Dayton Township’s Zoning Ordinance, which reads as follows:

Outdoor Boiler: Outdoor boiler shall mean a mechanical devise used for heating which is accessory to and situated outside a building and which is designed to burn wood or other organic materials, and which may also be referred to as an outdoor furnace.

The Zoning Working Group recommends adopting language from both the City of Fremont’s and Sheridan Charter Township’s Zoning Ordinance regarding “Height Exceptions” as outlined below:

Height Exceptions

The height and area requirements of all zones shall be subject to the following exceptions: spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, mechanical equipment, parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, penthouses, stacks, stage towers or scenery lofts, flour mills, monuments, domes, steeples and necessary mechanical appurtenances.

The Zoning Working Group recommends adopting the following regulations entitled, “Regulations Applicable to All Single-family Dwellings”:

Regulations Applicable to All Single-family Dwellings

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with the following regulations:

- A. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
- B. Comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Fremont Community and with applicable federal or state standards or regulations for construction.
- C. Have a minimum horizontal dimension across any front, side or rear elevation of twenty four (24) feet at time of manufacture, placement or construction.

- D. Not be more than three (3) times longer than its width.
- E. Comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- F. Be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.
- G. Be aesthetically compatible in design and appearance with other dwellings within 300 feet of the subject dwelling. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, orientation to the street, and overhangs.
- H. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or melt water way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- I. A storage area with an area of no less than ten (10%) of the structure shall be provided. The storage area may consist of a basement, closet area or attached garage in a main building or as a detached accessory building but shall not include attic area.
- J. The standards of this section shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.
- K. The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission.

Michele Ribant will review the City's regulations on "Regulations Applicable to All Single-family Dwellings" to ensure that all relevant subject content is addressed within the new Joint Zoning Ordinance.

Unfinished Business

There was no unfinished business.

New Business

There was no new business of the Joint Zoning Working Group.

Next Joint Zoning Working Group meeting

Monday, November 15, 2010

4:00 p.m. – 6:00 p.m.

Fremont City Hall

City Council Chambers

Adjournment

The meeting adjourned at 6:07 p.m.