

VILLAGE OF ONEKAMA
PLANNING COMMISSION MEETING MINUTES
Tuesday, April 12th, 2022
At Farr Center, 5283 Main Street, Onekama, MI

Call to order 6:02 p.m.

Roll Call – Debby Storms, Lara Treemore-Spears, Susan Halloran present (Val absent; Nola not currently serving on PC for this meeting).

Accept/Amend Agenda – Lara moved to put new business before old and add action on the fence zoning provisions to new business, Susan 2nd, approved.

Minutes Approval – March, Susan moved, Lara 2nd, approved.

Public Comments (3 Minutes) *on agenda items other than fences only* – none

Public Hearing called at 6:08 p.m. Fence Zoning Amendments

Lane King, 8145 4th St. – written comments received (filed) – privacy fences are for safety of all (keeping dogs in, coyotes and deer out, child safety), and a balanced look around the whole property is better for many people rather than a different shorter fence in the front.

Kenneth Burda, 8571 4th Ave. – moved to Onekama 19 years ago, landscaping has been devastated by deer, and a bear in July destroyed bird feeders, deck and grill. Electrified and barbed wire fences are needed for bear, and to discourage deer from jumping into yards. Why have a fence ordinance in back yards? Nobody but the neighbors see them.

Ralph Drumm, 4684 Prospect – Provided photos of nickel-width electric wire that did not keep a bear away from his bee hives. When new fence was installed, the 2016 fence ordinance implied that any wire fence garden fence would be okay because it allows a clear view into the property. A 14-gauge grid fence with electrified top wire has kept out deer and bear for a year. Garden fence in front yard should be allowed because deer get into gardens from the front yard, and people want to garden in their front yards if that's where the sun is. An unoccupied lot should be allowed a fence because of the cost and administrative burden of combining lots into one parcel number. The \$250 land use permit and

\$450 variance is too high a cost for a fence. Zoning provisions should be simplified to make permitting easier and less expensive.

Sue and Pat Suchocki, 8280 Zosel – Want to install a 4 foot back yard fence to contain small dogs, 11.5 to 9 gauge (clarification by Katie that this fence would be allowed, based on the proposed revision).

Terry Groves, 8424 Hill Street – Wants a tall enough fence to contain a garden, 8 foot welded wire on several vacant lots total 0.75 acres, along Lake street and the paved alley and platted vacant alley. With a 66 foot road right-of-way this gives him very little room for garden. Isn't bothered by other people's privacy fences.

Suzanne Schwing, 4362 Prospect – What is the rationale for a fence ordinance?

Clarification by Katie Mehl, Manistee County Planning Department – Front yard is established by the front wall of your house; side yards are everything next to the house; consider the limitations posed by old plats that prevent lots from being combined.

Public Hearing Closed at 6:45 p.m.

New Business

1. Fence Zoning Provisions

Commissioner Treemore-Spears stated that the reason to put fences in the Zoning Ordinance is the public cost if a fence is too close to an intersection (affects safety and visibility), or if a fence falls on a sidewalk/street and must be removed at Village expense; also the indirect costs to aesthetics, community character and wildlife. Planning Commission has recommended that the Village reduce the land use permit fee for fences to a nominal amount like \$25.

County Planner Katie Mehl explained that Zoning applies to the land, not the use, because after people leave their property, the fence and other uses will remain.

Revisions to the fence zoning proposed based on these public comments:

- A. Allow up to 9 gauge wire as the top strand of garden fences, for structural support.
- B. Allow electrified fencing if the "hot" wire is no closer than 48 inches to the ground, to deter deer, bear and other wildlife from gardens.

- C. Allow 6 foot privacy fence, except in the front yard, and only on one side of a corner lot (only the side with the garage).

Lara moved, Susan 2nd, Planning Commission approved that the above changes to the proposed fence zoning be recommended to the Village Council for approval.

Public comments that were not addressed by these changes:

Other revisions to the zoning ordinance would need to be considered together with traffic visibility at corners and setbacks in different zones (such as to allow different fencing along M-22 vs. other residential areas). Suggestions from the public: 1) 8 foot garden fence in front yard; 2) taller/stronger fencing along M-22 that maintains visibility for cars to pull into traffic; 3) properties in contiguous ownership to be considered one property for the purpose of fencing.

2. **Intent of Riparian Buffer Language** – postpone until after Master Planning, moved by Lara, 2nd by Susan, approved.

Old Business

1. **Master Plan Review** – postpone until May, Lara moved, Susan 2nd, approved.
2. **Accessory Structure Zoning Work Session** – postpone until after Master Planning Process, Debby moved, Lara 2nd, approved.
3. **Signage Zoning Work Session** – postpone until after Master Planning Process, Debby moved, Lara 2nd, approved.

Public Comments (3 Minutes)

Suzanne Schwing – Vehemently opposed to changes to zoning that do not address concerns of property owners along M-22. Tall fences along state highways are common in Traverse City to protect private property from loose wheels coming off vehicles, and to protect children playing in yards

Adjourned at 7:38 p.m.

Proposed April 2022

1019. Fences

- A. Fences of materials commonly used and marketed as fencing which are equal to or less than six (6) feet in height, at average grade, are allowed on any parcel's side(s), not within the front yard or adjacent to the shoreline of Portage Lake, except as prohibited in Section 1019.F, and except for corner lots, which may have a six foot fence on the same side as the garage or driveway. Except as exempted in Section 1019.C, any fence adjacent to a road or adjacent to the shoreline of Portage Lake shall be equal to or less than four feet (48 inches) in height and shall consist of growth or open fencing with an open space/solid ratio of fifty percent (50%) or more. All fences shall be installed with structural components inside the yard, and the visually-appealing side facing the public.
- B. Open Space/Solid Ratio means the amount of open space compared with the amount of adjoining solid material for each piece of fencing material. To meet the fifty percent (50%) or greater open space/solid ratio, each vertical piece of solid fencing has to have next to it an open space equal to at least half the width of that solid piece in a picket type of fence; or, each horizontal piece of solid fencing has to have either above or below it an open space equal to at least half the width of that solid piece in a rail type of fence. Height means the maximum height of the fence itself above the average grade, not including caps on top of fence posts.
- C. Exempted from the provisions of this Section are 12-gauge or thinner (about as thick as a nickel) wire fencing eight feet (96 inches) in height or less, used to protect gardens, landscaping plants, bushes or trees and installed in side or rear yards, and, during the winter season, temporary fencing used to control the drifting of snow or sand. The top wire of this type of fencing can be up to 9-gauge in thickness to provide structural support.
- D. A fence allowed in either Section 1019.A or exempted in Section 1019.C is permitted to be located in the setback areas of a parcel provided that no part of the fence violates Section 1008 or Section 7005.B.3.
- E. All fences shall comply with State laws and regulations.
- F. Electrified fences are allowed if the electrically charged wire is no closer than 48" to the average ground surface.
- G. The following fences are prohibited in the Village: chain link with inserts, welded steel, PVC plumbing piping, barbed or razor wire.

Compared Language 2016 vs. Proposed April 2022

1019. Fences

- ~~A.~~ ~~Except as A.~~ Fences of materials commonly used and marketed as fencing which are equal to or less than six (6) feet in height, at average grade, are allowed on any parcel's side(s), not within the front yard or adjacent to the shoreline of Portage Lake, except as prohibited in Section 1019.C or as F, and except for corner lots, which may have a six foot fence on the same side as the garage or driveway. Except as exempted in Section 1019.D, ~~any fence hereafter erected or placed on C,~~ any ~~parcel~~ parcel fence adjacent to a road or adjacent to the shoreline of Portage Lake shall be equal to or less than ~~42"~~ four feet (48 inches) in height and shall consist of growth or open fencing with an open space/solid ratio of fifty percent (50%) or more. ~~Such a fence~~ All fences shall be ~~the only fence allowed to be erected or placed on any parcel's side(s) which is adjacent to a road or which is adjacent to the shoreline of Portage Lake and may be erected or placed on any remaining sides of such parcel.~~ installed with structural components inside the yard, and the visually-appealing side facing the public.
- ~~B.~~ B. Open Space/Solid Ratio means the amount of open space compared with the amount of adjoining solid material for each piece of fencing material. To meet the fifty percent (50%) or greater open space/solid ratio, each vertical piece of solid fencing has to have next to it an open space equal to at least half the width of that solid piece in a picket type of fence; or, each horizontal piece of solid fencing has to have either above or below it an open space equal to at least half the width of that solid piece in a rail type of fence. Height means the maximum height of the fence itself above the average grade, not including caps on top of fence posts.
- ~~C.~~ ~~Fences of solid fencing material, growth or other commonly used fencing materials which are less than five (5) feet in height are allowed on any parcel's side(s) which is not adjacent to a road or adjacent to the shoreline of Portage Lake.~~
- ~~D.~~ C. Exempted from the provisions of this Section are ~~chicken~~ 12-gauge or thinner (about as thick as a nickel) wire ~~type~~ fencing eight feet (96 inches) in height or less, used to protect gardens, landscaping plants, bushes or trees and installed in side or rear yards, and, during the winter season, temporary fencing used to control the drifting of snow or sand. The top wire of this type of fencing can be up to 9-gauge in thickness to provide structural support.
- ~~E.~~ D. A fence allowed in either ~~Sections 1019.A or~~ Section 1019.C ~~A~~ or exempted in Section 1019.D ~~C~~ is permitted to be located in the setback areas of a parcel provided that no part of the fence violates Section 1008 or Section 7005.B.3.
- ~~F.~~ E. All fences shall comply with State laws and regulations. ~~Except for fences allowed or permitted in Sections 1019.A or C or exempted in Section 1019.D, all other~~ F. Electrified fences are allowed if the electrically charged wire is no closer than 48" to the average ground surface.
- ~~G.~~ G. The following fences are prohibited in the Village, ~~including:~~ chain link with inserts, welded steel, ~~and~~ PVC plumbing piping, ~~barbed or razor wire~~ provided, however,

~~that upon the filing of a request for a variance for a fence otherwise prohibited, the Board shall have the authority to direct the issuance of a permit if the following criteria are met:~~

- ~~1. The fence, as proposed, complies with the Height and Open Space/Solid ratio of Sections A and C and with State laws and regulations, and no part of the fence violates Section 1008.~~
- ~~2. The applicant has made a showing of a specific and significant need for this type of fence.~~
3. The adverse impact of this type of fence is mitigated by including in the permit requirements that the fencing shall be a color which is compatible with the surrounding area and shall be properly maintained by the land owner or it will be removed at the land owner's expense.