

# Milton Township

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## Planning Commission

Members: Jeremy Clanton, Richard Hebard, Ron Jureziz, Sandra Redman, Diane Shields, Kelly Sweeney and Sharon Ward

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### Minutes for October 3, 2011 Meeting

Call to Order: 6:33 P.M.

Roll Call: All members were present

Agenda: Approved

Approval of the Minutes: Approved as submitted

Public Comments: None

Zoning Administrator's Report: One site plan approved; received two zoning variance requests; received one conditional use request and the court action on the one zoning issue is ongoing.

Township Board Members Report: The Board passed the submitted zoning ordinances for Sections 12.15, 14.04 and 20.02.

Zoning Board of Appeals: No activity

Old Business:

1. Master Plan: Williams and Works provide the Master Plan from November and not the Master Plan from July 11 to send out. A new set of Master Plan discs were sent out on September 16 which means that we will be able to review the responses at our December meeting. The members unanimously voted to schedule the Master Plan Public Hearing on January 9, 2012.
2. Section 1.12 definition of Accessory Use: By a 4-3 roll call vote, with Kelly, Ron and Sharon voting no, the members voted to approve sending the following definition of Accessory Use to the Board: a use naturally and normally incidental to, and devoted exclusively to the main use of the building or land.
3. Section 12.15 Signs Permitted in Agricultural Zones was approved by the Board.
4. Section 14.04 Amendment to require one publication of a Public Notice for conditional use applications. This amendment was approved by the Board.
5. Section 20 Marihuana Ordinance. This was approved by the Board.

6. Ontwa Township Master Plan: There were no concerns noted. Comments were made regarding the extensive records referred to and a comment about the suggestion to not allow contiguous PUD developments to maintain the rural character.
7. Private Road Ordinance: The Board referred this ordinance back to the Planning Commission to revise Sections 23.03 D and 23.04 B 5.

Section 23.03 D was revised to read: The provisions of this Ordinance shall not apply retroactively to an existing private road which provides access to existing lots or dwelling units. Those requirements pertaining to names for private roads and house numbers as contained herein shall apply. This change was approved by a 7-0 roll call vote.

Section 23.04 B 5 was revised to read: It is recommended that a private road not exceed a grade of eight (8) percent.: provided that within 30 feet of an intersection of a private road with any other private road or with any public right of way, a private road shall not exceed a grade of one and one-half (1.5) percent. This change was approved by a 7-0 roll call vote.

Section 23.06 B 5 was revised to read: Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator the following: a) A letter documenting that the private road has been constructed in compliance with the private road plans. This letter can be obtained as a result of a contract with a registered professional road or civil engineer or as a result of a contract with the engineers from the Cass County Road Commission. b) Documentation shall be provided that that the road maintenance agreement and the access easement and deed restrictions have been recorded with the Cass County Recorder of Deeds for all impacted parcels. c) Documentation shall be provided that that an access permit for the private road has been obtained from the Cass County Road Commission. This change was approved by a 7-0 roll call vote. It was noted that the Board's minutes requested a revision of Section 23.08 A 8 was in error and should have read 23.06 B 5 as confirmed by Sharon Ward the Board representative to the Planning Commission.

- 8) Agricultural Production Zoning District Issues: The Zoning Administrator pointed out that because of the way this Section is written there are significant restrictions on the ability of owners of land in this Zoning District to sell and/or divide their land. Apparently this has either not been recognized or ignored by previous Zoning Administrators which now results in much of the land parcels in Agriculture Production District being classified as a non-conforming use. The implications for the land owners is significant and a solution to this problem which would benefit all land owners equally was not apparent to the members of the Planning Commission. As complexity of a resolution to this problem was recognized, Kelly requested that all members study the Agricultural Production Zoning as well as the Non-conforming Use Zoning Section to attempt to come up with a solution to this difficult problem at our next meeting.

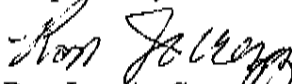
New Business: None

Board Member Comments: None

Announcements: None

Time of adjournment: 8:55 P.M.

Respectively submitted,

  
Ron Jureziz, Secretary

Approved On: November 7, 2011