

Milton Township

32097 Bertrand Street, Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742

Email: milton@miltontwp.org Website: miltontwp.org

Planning Commission

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

Minutes for November 10, 2010 Meeting

Call to order: 6:30 P.M.

Roll call: All seven members were present

Agenda: Approved with the addition to new business, a discussion of the possible addition of a lawn service business and an archery range to the Conditional Use section of the Rural Residential section of the Zoning Book.

Approval of the minutes: The minutes for the October 4, 2010 meeting were approved with the addition of sale and construction to the description of the "firearms" ordinance that was reported as approved by the Board. The minutes of the November 1, 20200 meeting were approved as written.

Public comments: Mark Weaver requested that the Planning Commission add as a Conditional Use in Rural Residential Zoning a lawn service business. Gary Gaskill requested that the Planning Commission add as a Conditional Use in the Rural Residential Zoning an archery range. Susan Flowers, representing the Supervisor who could not be present, asked that the Planning commission consider whether they wanted to address the new State Law regarding marihuana as a Zoning issue. She also related several concerns the Supervisor had with the 11/1/2010 draft of the Master Plan. In addition, she announced that the Southwest Michigan Planning Commission will be hosting a presentation called "Michigan Transportation Funding 101" at 1:30 P.M. on November 22 at Andrews University.

Zoning Administrator: He reported one variance request was received to combine two non-conforming lots. In addition four site plans were approved and three zoning notice violations were issued.

Township Board Representative: Sharon Ward reported that a Public Hearing for a revision of the Nuisance Ordinance is scheduled for November 16, 2010 at 7 P.M. at the Township Hall. She also announced that the Board had approved Ordinance approving the Planning Commission as required by the 2008 Planning Enabling Act.

Zoning Board of Appeals: A hearing has been scheduled to hear a request to combine two non-conforming lots.

Old Business:

- 1) Marihuana: The Planning Commission approved addressing marihuana as a zoning issue.
- 2) Master Plan: The 11/1/2010 draft was discussed and several corrections were requested. Lloyd road/lane is not properly located and needs to be corrected. Alice Lane does not show its two connections to Surges Road in all of the maps with the exception of the Future Land Use Map. A lengthy discussion of the overlays in the Future Land Use Map occurred and with some dissent it was decided to leave numbers 1 and 2. Overlay #3 is not in the proper position and should be moved north to May Road and not overlay the houses that are already there. A suggestion was made to include a Single Family Residential overlay to the small subdivision immediately to the east of Varner's Greenhouse.
- 3) Home Occupations: It was decided to defer this discussion to the December meeting since this is to produce a lengthy discussion.
- 4) The Reserve Map correction. The Planning Commission unanimously voted to request that the Board authorize to have the Township Zoning Map changed to show that the Reserve is properly zoned as a Single Family Residential with a PUD overlay. The researched records show that the PUD overlay to the Single Family Residential Zoning was approved in 1995.
- 5) Section 16 changes: The proposed changes in this section of the Zoning Ordinance reflecting an enforcement change from a misdemeanor to a civil infraction were presented and discussed. The Planning Commission in a unanimous roll call vote approved these changes for a Public Hearing.

NOV-16-2010 11:19

MILTON TOWNSHIP

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P.001/001

ARTICLE XVI, SECTION 16.05

Article XVI, "Penalties", Sections 16.05 Violations of the Milton Township Zoning Ordinance is hereby amended to read:

SECTION 16.05 VIOLATIONS AND PENALTIES

- A. **Nuisance Per Se.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- B. **Violation.** Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor,

servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

SECTION II

ARTICLE XVI, SECTION 16.06

Article XVI, "Penalties", Section 16.06 of the Milton Township Zoning Ordinance is hereby amended to read:

- A. **Municipal Civil Infraction.** A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$ 75.00	\$500.00
2 nd Offense	\$150.00	\$500.00
3 rd Offense	\$325.00	\$500.00
4 th or More Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Milton Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- B. **Remedial Action.** Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.
- C. **Enforcement.** The Milton Township Zoning Administrator, the Milton Township Ordinance Enforcement Officer, any Cass County Sheriff's Deputy and any other individual Township official(s) that may from time to time be designated shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same.

TOTAL P.001

New Business:

- 1) Selections of meeting dates for 2011: January 3, February 7, March 7, April 4, May 2, June 6 July 11,

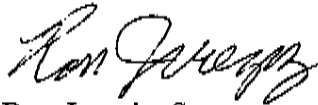
August 1, September 12, October 3, November 7 and December 5.

- 2) Addition of Conditional Uses: The Planning Commission unanimously voted to recommend approval of the addition of Archery ranges located on five acres or more and landscaping services located on 5 acres or more as Conditional Uses in the Zoning Districts of both Rural Residential and Agricultural Production. The addition of archery ranges will appear under Sections 2.03 k-13 and 3.03 L. Landscaping services will appear under Sections 2.03 k-14 and 3.03 M.. These will be referred to a Public Hearing.

Announcements: A Public Hearing will be held at 6:00 P.M. on December 6, 2010 to hear public comments concerning the three proposed zoning changes for archery ranges, lawn services and enforcement regulations.

Adjournment: 9:20 P.M.

Respectively submitted,



Ron Jureziz, Secretary

Approved on: December 6, 2010