

Milton Township

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Agenda for Milton Township Planning Commission Meeting

Milton Township Hall - 32097 Bertrand St., Niles, MI

PLANNING COMMISSION MEETING

March 4th, 2013 7:00 P.M.

FINAL

Planning Commission Members

Kara Boyles, Jeremy Clanton, Ron Jureziz, Richard Hebard, Sandra Redman, Diane Shields, Kelly Sweeney

Call to Order/Pledge of Allegiance: Meeting was called to order at 7:01 PM

- Pledge of Allegiance was recited.
- All were present with the exception of Diane Shields

Public Hearing for Proposed Zoning Ordinance Changes:

PLEASE TAKE NOTICE the Planning Commission is considering the following amendments to the Zoning Ordinance:

- 1) Amend Article I, Section 1.12, Definitions, of the Zoning Ordinance, by adding definitions for "Principal Building", and for "Principal Use." It is also proposed to amend the existing definition of "Accessory Use" to provide for further clarification.
- 2) Amend Article I, Section 1.11B, by removing/deleting the part of that section that reads, "words used in the present tense shall include the future."
- 3) Add a new Section 16.11 to Article XVI of the Zoning Ordinance. The new section entitled "Zoning Compliance Permits" clarifies the current Township process and requirements for Zoning Compliance Applications, Permits, and Conformity to Approved Zoning Compliance Permits.

1. Add or amend as follows:

ARTICLE I, Section 1.12. DEFINITIONS

ACCESSORY USE - A use of a building, lot, parcel, building site, or portion(s) of same which is customarily incidental and subordinate to the principal use of the principal building or of the lot, parcel or building site.

PRINCIPAL BUILDING - A building which is primarily occupied or devoted to the principal use of the lot, parcel or building site, i.e., not occupied by or devoted to an accessory use.

PRINCIPAL USE - main and primary use of building, lot, parcel, building site or portions of same, which use is permitted and/or otherwise approved by the Township in the applicable zoning district

2. Amend

Article I, Section 1.11 B - remove part of this section that says "words used in present tense shall include the future"

3. Add new section to ARTICLE 16. Administrative and Enforcement

SECTION 16.11 - ZONING COMPLIANCE PERMITS

- A. **PERMIT REQUIREMENTS:** It shall be unlawful for any person to commence excavation for any building, structure, or use; or to commence the erection of any building or structure; and no land use shall be commenced; until a Zoning Compliance Permit for same has been secured from the Township Zoning Administrator. No such Zoning Compliance Permit shall be issued for any building, structure, land, or use thereof, where the construction, addition, alteration, or the use thereof would be in violation of the provisions of this Zoning Ordinance.

Each Zoning Compliance Permit shall be null and void within one (1) year following the issuance of the permit unless the provisions of the permit have been utilized or unless reapplication has been approved by the Zoning Administrator.

Exempted from this permit requirement are alterations and /or repairs that do not affect the external dimensions of the structure or building, and are not impacted by the Non-Conformity provisions of the Zoning Ordinance.

- B. **ZONING COMPLIANCE PERMIT APPLICATION:** Application for a Zoning Compliance Permit shall be filed in writing with the Zoning Administrator, on such form approved by the Township, and signed by the person, firm, corporation, requesting same; or by the duly authorized agent of such person, firm, or corporation. Prior to the issuance of a Zoning Compliance Permit, the applicant shall furnish such information, plans, sketches, and/or diagrams as the Zoning Administrator may require to be satisfied that the building, premises, structure, and/or proposed use complies with all applicable Township ordinances, rules, regulations, and state laws. Where site plan approval is required by the Planning Commission pursuant to other sections of the Zoning Ordinance, such site approvals shall be obtained by the applicant, prior to filing for a Zoning Compliance Permit. The fee for such permit application is established by the Township Board.
- C. **CONFORMITY TO APPROVED ZONING COMPLIANCE PERMIT:** The property which is the subject of an approved Zoning Compliance Permit shall be developed and used in strict compliance with the Zoning Compliance Permit, and any written amendments which have been reviewed and approved, in writing, by the Zoning Administrator.

PUBLIC COMMENTS from Public Hearing

- For None
- Opposed None

Public Hearing was closed at 7:11 PM

Public Comments:

- Zoning Administrator gave a description of the proposed changes and the background information regarding the need for the Zoning Ordinance Update
- Comments *for* the Zoning Ordinance Change: None
- Comments *Against* the Zoning Ordinance Change: None
- Public Hearing was closed at 7:11 PM

Continuation of Regular Meeting

Approval of Agenda:

- Current agenda was approved

Approval of Previous Minutes:

Motion: Ron made a motion to approve the minutes as corrected
Seconded: Kara
Discussion: Under Old Business #4 Richard made the motion and the motion was seconded by Kara. Under Old Business # 6 the motion made by Ron should read “Ron made a motion that we schedule a Public Hearing regarding Article 1, Section 1.12, Article 1, Section 1.11B and to add a new Section 16.11 to Article XVI of the Zoning Ordinance.
Vote: All in Favor: 6 Nays: None
Motion passed

Anyone Wishing to Speak to the Planning Commission: (3 min/person)

- There were no comments from the Public

Community Reports:

1. Zoning Administrator-gave his report and status update. Of note is that Developers are starting to show interest in Milton Township and we need to make sure we looking at the current Zoning Ordinance to make sure we are prepared to handling Condominiums.
2. Township Board Representative-gave his report and status update. Minutes of the meeting are on the website. We are in the process of upgrading many of the computers in the office and there is now a color printer in the office. This is a "Spring Clean Up" day scheduled for April 27, 2013 from 7:00 AM until 11:00.
3. Zoning Board of Appeals Representative-the report was given by the Zoning Administrator in Diane's absence. March 25th is their next meeting and it was encouraged that the PC attend because they will be discussing some very complex issues.

Old Business:

1. Site Plan review of proposed Boarding/Riding Stable by Carmi Design Group

Discussion: The Site Plan was reviewed for the Cole Indoor Horse Riding Arena project. Tony Leininger from the Carmi Design Group made the presentation with Ms. Cole.

The Planning Commission heard the proposal and agreed that this project falls under right to farm act. Ms. Cole and her representative agreed to follow the Milton Township Zoning Ordinances and will be submitted to the Zoning Administrator a final site plan for review. This project is contingent on getting MDA approval. It was further noted that Fencing and Parking will still fall under the Zoning Administrator and will need to gain his approval. (After further review the Zoning Administrator state the fencing type doesn't fall under his review but only the fencing setbacks)

2. Approval/Denial of Proposed Zoning Ordinance Changes presented at public hearing

Motion: Ron made a motion to make the following amendments to the Zoning Ordinance:

- Amend Article I, Section 1.12, Definitions, of the Zoning Ordinance, by adding definitions for "Principal Building", and for "Principal Use." It is also proposed to amend the existing definition of "Accessory Use" to provide for further clarification.
- Amend Article I, Section 1.11B, by removing/deleting the part of that section that reads, "words used in the present tense shall include the future."
- Add a new Section 16.11 to Article XVI of the Zoning Ordinance. The new section entitled "Zoning Compliance Permits" clarifies the current Township process and requirements for Zoning Compliance Applications, Permits, and Conformity to Approved Zoning Compliance Permits.

Seconded: Kara

Discussion: PC discussed the issue and a vote was taken. Kelly is to send this to Cass County for their input at their next meeting on March 27th.

Vote: All in Favor: 6 Nays: None

Motion passed

3. Zoning Ordinance Update-Sub-committee members: Richard, Ron and Kelly

Discussion: Richard gave an update that the Sub-Committee has finished the definitions

from the LSL (Version 3) and will now look at the existing definitions in our current Zoning Ordinance to merge all definitions. The next meeting is scheduled for March 8, 2013 from 3:00-5:00 PM.

4. Updates from Master Plan Goal Leaders, Master Plan Tracker Update

Discussion:

- a. Ag & Farmland Preservation-**Ron**-provided an update and is moving forward with discussions with Farmland owners.
- b. Rural Character & Natural Features-**Kara**-no update
- c. Land Use and Zoning-**Kelly**-no update
- d. Growth and Development-**Richard**-no update
- e. Community-**Jeremy**-no update
- f. Housing and Neighborhoods-**Sandra**-no update

5. Garage Sale Ordinance Language-Returned by BOT for re-consideration

Motion: Ron made a motion that we change article XIII, Section 13.26 Garage, Barn and Yard Sales to:

The incidental and customary sale of household goods in a garage sale, barn sale, yard sale, or other similar types of sales is permitted in all Zoning Districts, provided a permit is first obtained from the Zoning Administrator. Such permit shall be for not more than (3) consecutive days and that not more than six (6) such permits may be issued to any person, or location, during a twelve (12) month period. Signs, which are put up for such sales, shall be taken down within twenty-four (24) hours of termination of the permit authorizing such sale,

Seconded: Jeremy

Discussion: Because the proposed change is less restrictive than the original version discussed at the public hearing it was decided that it will not be necessary to send this amendment back to a Public Hearing. Kelly is to make the necessary updates and send to the Board of Trustees (BOT) for their review.

Vote: All in Favor: 6 Nays: None

Motion passed

6. Industrial Zoning District – Review of Draft ZO modifications.

Motion: Kelly made a motion to take the following to a Public Hearing:

SECTION I ARTICLE VIII, Section 8.01

DELETE the existing Article VIII, Section 8.01, and to REPLACE it with a new Section 8.01 with changed language as follows:

SECTION 8.01 INTENT AND PURPOSE

The regulations of this District are intended primarily for industrial uses which do not generate and/or emit hazardous materials, fumes, or smoke. The district is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials. Other specific Industrial Uses are also provided for, consistent with the rural character of the township and the limited availability of essential services such as water, sewer, roads, energy sources, etc.

SECTION II ARTICLE VIII, Section 8.02(A)

DELETE existing Permitted Uses in Section 8.02(A), numbered 1 through 14, and to REPLACE them with changed Permitted Uses as follows:

SECTION 8.02 USE REGULATIONS

(A)(1)

- 1) Advertising Services
- 2) Agricultural Processing
- 3) Business Services - Other
- 4) Contractor's Yards
- 5) Dwelling & Other Building Services
- 6) Fabrication assembly and packaging
- 7) General Contract Construction Services
- 8) Grinding, milling and production

- 9) Manufacturing - Equipment, Scientific, Medical & Research Equipment
- 10) Manufacturing - Jewelry, Silverware & Plated Ware
- 11) Manufacturing - Musical Instruments & Parts
- 12) Manufacturing - Novelties & Misc. Notions (Except Precious Metals)
- 13) Manufacturing - Pens, Pencils & Other Office & Artists' Supplies
- 14) Manufacturing - Photographic Equipment & Supplies
- 15) Manufacturing - Pottery & Related Products
- 16) Manufacturing - Toys, Amusement, Sporting & Athletic Goods
- 17) Manufacturing - Watches
- 18) Manufacturing - Wood Containers
- 19) Material handling and equipment
- 20) Pipeline Right-of-Way & Essential Service
- 21) Publishing & Printing, Binding & Related
- 22) Radio & Television Communication (Base Station)
- 23) Storage Services - Agricultural Products Only
- 24) Warehousing & Storage Services
- 25) Wholesale - Drugs, Chemical & Allied Products
- 26) Wholesale - Dry Goods & Apparel
- 27) Wholesale - Electrical Goods
- 28) Wholesale - Groceries & Related Products
- 29) Wholesale - Hardware, Plumbing, Heating Equipment & Supplies
- 30) Wholesale - Machinery, Equipment & Supplies (Farm Equipment)
- 31) Wholesale - Motor Vehicles & Automotive Equipment
- 32) Winery

SECTION III ARTICLE VIII, Section 8.02

ADD a new part to Section 8.02 as follows:

8.02(B)(1) CONDITIONAL USES

- 1) Bulk storage
- 2) Cleaners and laundries
- 3) Handling and processing of construction material
- 4) Manufacturing - Canning & Processing of Food & Related Products
- 5) Manufacturing - Dairy Products
- 6) Manufacturing - Electrical machinery, Equipment & Supplies
- 7) Manufacturing - Floor Coverings (Rugs & Carpets)
- 8) Manufacturing - Fur Goods
- 9) Manufacturing - Glass & Glassware (Pressed or Blown)
- 10) Manufacturing - Household & Office Furniture & Related Products
- 11) Manufacturing - Leather & Leather Products
- 12) Manufacturing - Machinery (Except Electrical)
- 13) Manufacturing - Miscellaneous Apparel & Accessories
- 14) Manufacturing - Miscellaneous Plastic Products
- 15) Manufacturing - Mobile Homes & Offices & Recreational Vehicles
- 16) Manufacturing - Other Small Wares (Cotton, Man Made Fibers, Silk, Wool)
- 17) Manufacturing - Other Wood Products (Except Furniture)
- 18) Manufacturing - Paperboard Containers & Boxes
- 19) Manufacturing - Soap, Detergents, Perfumes, Cosmetics & Other Toiletries
- 20) Manufacturing - Textile Goods
- 21) Motor vehicle services
- 22) Outdoor advertising signs
- 23) Repair and service of heavy duty trucks and construction equipment
- 24) Research Facilities
- 25) Wholesale - Other Wholesale Trade (Junk Yard)

SECTION IV ARTICLE XIX, SCHEDULE OF USES

DELETE all existing uses listed for the Industrial Zoning District in Article XIX, and REPLACE the Industrial Uses with the updated uses listed in Sections II and III, above, to be listed in alphabetical order.

Seconded: Ron

Discussion: Motion was discussed and will be placed on the agenda for a Public Hearing on April 4th,2013.

Vote: Kara YES, Jeremy YES, Ron YES, Sandra Yes, Kelly YES, Richard YES

Motion passed

New Business:

1. Review of Conditional Use Permit Process

Motion: Richard made a motion to take the following to a Public Hearing:

SECTION 14.02 ARTICLE XIV. Authority to Grant Permits

DELETE the existing Article XIV, Section 14.02, and to REPLACE it with a new Section 14.02 with changed language as follows:

SECTION 14.02 Authority to Grant Permits

The Township Planning Commission, shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards, and time limitations as it may determine for all conditional uses specified in the various district provisions of the Ordinance.

SECTION 14.03 ARTICLE XIV. Application and Information Required

DELETE the existing Article XIV, Section 14.03, and to REPLACE it with a new Section 14.03 with changed language as follows:

SECTION 14.03 Application and Information

Written application, on a form provided by the Planning Commission, shall be made to the Zoning Administrator. The application shall include the following:

1. Name of applicant and owner of the premises.
2. Legally recorded description of the premises.
3. Description of proposed use, including parking facilities, if required and ingress and egress as approved by the County Road Commission.
4. A legible sketch drawn to scale showing size of building or structure and location on premises.
5. Sewage disposal and water supply facilities, existent or proposed
6. Use of premises on adjacent properties
7. Statement by applicant appraising the effect of proposed use on adjacent properties and development of the neighborhood.

Seconded: Ron

Discussion: Proposed Changes to sections 14.02 and 14.03. Pros and cons were discussed to simplify the approval of Conditional Uses. It was decided to take this to a Public Hearing at the next scheduled meeting, April 1, 2013.

Vote: ROLE CALL VOTE

All in Favor: 6 Nays: None

Motion passed

2. Re-initialize discussion on Condominium Zoning Ordinance

Discussion: The Zoning Administrator provided 2 sample Condominium Subdivision Ordinances and also a copy of our LSL proposed Zoning Template version 3 for discussion. It was decided that given the complexity of the samples, the PC will need to look at the information and scheduled a *SPECIAL MEETING* for March 11, 2013 at 7:00 PM to take action.

Planning Commission Member Comments:

1. Kelly updated the PC on the budget as it moves to the BOT for discussion
2. Ron brought up the American Citizen Planner online training course
3. Richard discussed the need for a Training Program Workshop will have a discussion with the Zoning Administrator on the topic
4. Robert-March 28th Michigan State Extension will be holding a workshop at the township hall. Details will be forthcoming.

Announcements:

1. Robert-March 28th Michigan State Extension will be holding a workshop at the township hall. Details will be forthcoming.

Adjournment:

Motion: Ron made a motion to adjourn the meeting

Seconded: Sandra seconded the motion

Vote: All in Favor: 6 Nays: None

Motion passed

Meeting was adjourned at 8:46 PM

Minutes respectfully submitted by Kelly Sweeney