

Milton Township
Planning Commission
Regular Meeting
April 2, 2025
7:00 PM

7023 Cherry St. / Kewadin, MI

1. Call meeting to order. Note members, present, absent, or excused.
2. Public Comment
3. Approval of Agenda
4. Approval of Minutes March 5, 2025
5. Correspondence
6. Old Business
 - a) **PUBLIC HEARING-** ZO 2024-03 Shoreline Protection Strip Amendment
7. New Business
 - a) Fence Amendment Update- Committee Meeting April 2, 2025 @ 6pm
 - b) Paid Taxes Prior to Permits Amendment
8. Reports
 - a) Zoning Administration Office Report
 - b) Township Board Report– Renis
 - c) Zoning Board of Appeals – Hefferan
 - d) Planning Commission Updates – All
9. Future Meeting Considerations – May 7, 2025
10. Adjourn

Active Subcommittees (created date)

Shoreline Regulations

Ford, Renis, Merillat

Fence Regulations

Peters, Renis, Merillat

Milton Township
Planning Commission
Unapproved Meeting Minutes
March 5, 2025

Members present: Chairman Hefferan, Renis, Peters, Warner, Standerfer, Ford, and Merillat.

Also present: Kopriva, Petersen, and 1 audience member.

Hefferan called the meeting to order at 7:00 pm.

Public Comment: None.

Approval of Agenda:

Motion by Renis to approve the agenda. Seconded by Warner. **Motion carried.**

Approval of Minutes dated January 8, 2025:

Motion by Ford to approve the minutes dated January 8, 2025 as presented. Seconded by Standerfer. **Motion carried.**

Correspondence: None.

Old Business:

1. Master Plan:

Kopriva said at the January meeting there were questions about voting on it and the township attorney has since said to go ahead and vote on it without any further hearings. We did add in the table numbers which are included in the document.

Motion by Ford – WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes municipal planning commissions to prepare a "master plan" pertinent to the future development of the municipality; and

WHEREAS, the Planning Commission has prepared a draft master plan for the municipality, to update the current community master plan; and

WHEREAS, the Board of Trustees authorized the distribution of the draft Community Master Plan to the general public and the various entities as required by the MPEA, for review and comment purposes; and

WHEREAS, the proposed Master Plan was made available to the various entities and the general public as required by the MPEA, and a public hearing thereon was held by the Planning Commission on January 8, 2025, pursuant to notice as required by the MPEA; and

WHEREAS, the Planning Commission finds the proposed Master Plan update as submitted for the public hearing is desirable and proper, and furthers the land use and development goals and strategies of the Township;

NOW, THEREFORE, the Milton Township Planning Commission hereby resolves to adopt the

Master Plan as submitted for the public hearing, including all the text, charts, tables, maps, and descriptive and other matter therein intended by the Planning Commission to form the complete Master Plan, including the Future Land Use Map. Seconded by Hefferan.

Discussion: Renis said his draft is missing the photo on page 23. The document is complete but it contains a mistake. There is also a figure 2 that we need to add in, but it does not affect content.

Roll Call:

Merillat: Yes | Ford: Yes | Warner: Yes | Peters: Yes | Standerfer: Yes | Renis: Yes | Hefferan: Yes.

Motion carried 7-0.

2. Shoreline Protection Strip Amendment:

The packet contains the same language from January. Commission members had no other comments. **Motion** by Renis to schedule a public hearing April 2 on the changes. Seconded by Merillat. **Motion carried.**

New Business:

1. Public Hearing: SUP 2024-01 Amendment for Northshore Dock for Sales Building:

Members have received a copy of Kopriva's memo. Hefferan opened the public hearing and discussed the rules of the hearing. There were no conflicts of interest declared. The matter was published in the Elk Rapids News February 13, 2025. 300-foot mailings were also sent. Dowker provided material for the hearing. Kopriva said she was looking for a full-size plan of the whole site. She would like two 24"x36" site plans.

Kopriva said all we are looking at now is the sales building. Merillat said we have a site plan with different dates. Kopriva said one has the topography around the building. Hefferan said we will need to make notation regarding if the buffering on site is adequate. On page 4-12, section 117-2103-10A, we can waive that? That is correct.

Merillat asked about the greenbelt? Kopriva said it does not qualify here.

Written correspondence in support: None.

Written correspondence against: Written letter from G&G Ferris dated 3/2/25.

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No public comment.

Public hearing closed. Deliberations began.

Renis asked regarding the fire department approval. This must be provided prior to the zoning permit.

Motion by Renis to approve SUP 2024-01 Northshore Dock at 13960 Blue Water Dr. 05-12-535-006-00 to allow a new 100 ft x 60 ft sales building with the following conditions:

A. 2 copies of 24"x36" site plans will be provided.

B. Permits from outside agencies must be provided to the township prior to zoning permit.

C. Storm water shall be retained onsite.

Seconded by Standerfer. **Motion carried.**

Dowker said if he wants to add another building in the future, is it a seven-month project? Hefferan explained that the presenting problem has been resolved. Moving forward, things should go more smoothly.

2. Fence Amendment:

Kopriva provided a report showing what other townships do. Kopriva said there is no language in the ordinance and people can do whatever they want. The township board has received complaints and asked us to consider regulations. Kopriva put together a few items, keeping in mind that any fence currently existing, can continue to be repaired. Renis said the complaints are not with Ag, but they are in R1 and along the lake shore. Kopriva recommended a subcommittee to talk through issues with fencing. Renis, Peters, and Merillat will be on the subcommittee. They will meet March 12 at 8:00 am.

3. Paid Taxes Prior to Permits Amendment:

Hefferan explained that this was not a formal request from the township board. Ultimately, it is up to the planning commission if we want to ask for a formal directive or forge ahead without one. Renis asked what is considered taxes not paid. Kopriva said we could frame it so it is referencing the current tax bill. Renis suggested putting a time block on the amendment. Hefferan said he would like a clear directive from the township board before proceeding.

Reports:

ZA Report:

Kopriva provided a report for members to review.

Township Board Report:

Renis said board is looking for a full-time zoning administrator. We no longer have a township attorney.

ZBA Report:

Hefferan said the ZBA met to approve the minutes from August 2024.

Planning Commission Updates:

None.

Future Meeting Considerations: April 2, 2025:

Public hearing on the Shoreline Protection Strip amendment.

Meeting adjourned by order of the chair at 7:42 pm.

Respectfully submitted,

Joseph Merillat

Date: 3.28.2025
From: Sara Kopriva, AICP
To: Milton Township Planning Commission
Project: ZO 2024-03 Shoreline Amendment

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initiative

Possible Motion: Motion to recommend approval of ZO 2024-03, Shoreline Protection Strip Amendment, to the Township Board.

At the January meeting, the PC reviewed the draft language and scheduled a public hearing to amend the language for the shoreline protection strip. No changes were made to the language at the last meeting.

As a brief history, the Planning Commission started the review of the shoreline protection strip upon recommendation by staff that the section be reviewed. While the current section provide language and regulations, changes could be made to clarify and ensure that the shoreline protection strip was being used as intended. The PC had noticed that there were many shorelines that were being striped of all the natural vegetation and wanted to modify the language to limit this, or require replanting, to protect the water quality of the lakes.

The Committee met a few times and revised language. The Planning Commission reviewed the language prior to the public hearing.

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117.219 "S"

Shoreline Protection Strip: ~~The portion of a parcel, lot, or unit, located within~~~~A strip of primarily natural vegetation extending inland at least~~ twenty-five (25) feet from the shoreline of ~~any lake~~~~any lake~~, river, or stream abutting or traversing the property for the purpose of filtering runoff, providing shade and wildlife cover and bank stabilization.

117.320 Waterfront Property and Boat Dockage Regulations.

A. Intent and Purpose: To provide reasonable regulations for shoreline, watercraft and dock usage within Milton Township in order to:

1. Retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes, streams and rivers.
2. Preserve and protect the quality and safety of lakes, streams, rivers and shorelines.
3. Preserve and protect the rights of riparian owners and users as well as other township residents.
4. Promote the health, safety and welfare of persons making use of lakes, streams, rivers and adjacent properties.

B. Scope and Application.

The terms and provisions of this section shall be interpreted and applied as standards and requirements for:

1. Promotion and protection of public health, safety, welfare and public peace.
2. Preservation of natural resources and public and private resources within the Township.

C. General Regulations.

1. Number of Watercraft Spaces per Lot Width. No watercraft shall be utilized or docked on or adjacent to each "water frontage" except as allocated in the following chart.

Lot width (per the most recent of Township tax roll or County GIS)	Number of spaces ^{1, 2} (See Chart Notes)
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Chart Notes:

1. A jet ski (personal watercraft) shall be counted as one-half (1/2) of a space.
2. One (1) additional watercraft space for each thirty-three (33) feet of frontage beyond four hundred (400) feet.

1-33	1
34-67	2
68-133	3
134-167	4
168-200	5
201-233	6
234-267	7
268-300	8
301-333	9
334-367	10
368-400	11

2. Number of Docks. One (1) dock shall be allowed, used, or installed for each lot, and one (1) additional dock will be allowed for each one hundred (100) feet of frontage beyond the first one hundred (100) feet of frontage.
3. Dock Length. No dock shall extend more than eighty (80) feet into a body of water, measured perpendicularly from the shoreline, unless necessary to reach water with a depth of four (4) feet, and then no further than necessary to reach such depth. Docks on a river shall conform to DEQ requirements.
4. Common Docks. Two (2) adjoining lots or parcels which have frontage directly on a lake may share one (1) common dock with no more than the sum of each parcel's allocated moorings being utilized in total for both parcels. No other docks shall be allowed for the two (2) lots or parcels except the one (1) common dock.
5. Marine sewage pump-out facility. Any dock facility providing dockage for four (4) or more boats with Marine sewage holding tanks on board shall provide a marine sewage pump-out service to a Health Department approved sewage disposal facility.

D. Restrictions applicable to property abutting lakes, rivers or continually flowing streams.

Many lands within the Township are connected to, adjoin or abut surface water bodies, as defined herein. In the interest of protecting the water quality and the natural setting of the shoreline, the following provisions shall be applicable:

1. Groins. No permanent groin wall structure, as defined by the Michigan Department of Environmental Quality (DEQ), shall be installed as a shore land erosion control device on any inland lakes and streams.
2. Docks and piers. Man-made extensions from the shoreline into or over said surface water bodies shall have an open sub-structure construction so as to allow the free and unrestricted' movement of the inland waters littoral current.4.

3. Shoreline Protection Strip. A shoreline protection strip, as defined herein, shall be provided on all waterfront lots when work is done within the shoreline protection strip, in accordance with the following provisions. Public parks and recreational areas are exempt.

- a. ~~a.~~ Permit Required. Prior to undertaking any earth change, ~~or~~ removal of vegetation /trees, or construction within the Shoreline Protection Strip, the property owner shall obtain a permit for such work from Milton Township and all applicable permits from the State of Michigan and/or Antrim County.

If a Shoreline Protection strip does not currently exist, new plantings are required to establish a Shoreline Protection Strip.

b.

- ~~iv. The Shoreline Protection strip shall not be less than twenty-five (25) feet in depth and extend to not less than 80% of the width of the shoreline property. Existing conditions at or within twenty-five (25) feet of the shoreline may limit the dimensions of and the area coverage of the Shoreline Protection Strip as determined by the Zoning Administrator or Planning Commission.~~

~~c.~~

- ~~d. Within the shoreline protection strip, twenty (20%) percent of existing trees and shrubs may be selectively pruned to enhance a filtered or corridor view of the water and for reasonable private riparian access to the water. Said pruning activities shall be inspected at the discretion of the Zoning Administrator. The root systems of any removed tree or shrub shall remain in place for shoreline stabilization. Tree-topping and clear cutting is prohibited.~~

- ~~e. Existing natural vegetation shall not be removed to comply with this section of the ordinance. Planted lawn is not considered natural vegetation. Natural native vegetation shall be enhanced/supplemented to comply with the requirements of the ordinance.~~

~~i. The applicant shall prepare a complete sketch plan detailing the proposed tree and vegetation removal, soil erosion control and restoration activity. Such sketch plans shall meet the requirements of Section 117.2102 of this Zoning Ordinance and shall include the location of any structures, including decks, patios, steps or paths. The location and elevation of the shoreline as defined herein, shall be indicated. Such sketch plan shall include existing topographic contours at one (1) foot intervals if the slope within any portion of the Shoreline Protection Strip is 1:12 or greater and proposed topographic contours regardless of existing slope. Such sketch plan shall also illustrate existing and proposed vegetation by location and species.~~

~~ii. Site plan review for single family dwellings on individual lots shall be conducted by the Zoning Administrator. The Zoning Administrator may seek the assistance of a planning commissioner and/or other qualified individuals as he/she deems necessary. Projects exceeding two thousand (2000) square feet are to be reviewed by a Planning Commission Committee and may draw on the expertise of others like engineers, planners, environmental organizations, etc. An escrow account may be required by the Township to offset the Township's cost for professional assistance~~

~~iii. If a Shoreline Protection Strip does not currently exist, new plantings are required to establish a Shoreline Protection Strip. New vegetation must be native to the Great Lakes region. Lawn grasses shall not qualify as natural vegetative cover.~~

~~iv. The Shoreline Protection strip shall not be less than twenty five (25) feet in depth and extend to not less than 80% of the width of the shoreline property. Existing conditions at or within twenty five (25) feet of the shoreline may limit the dimensions of and the area coverage of the Shoreline Protection Strip as determined by the Zoning Administrator or Planning Commission. Public parks and recreational areas are exempt from this provision.~~

f. ~~b. Sketch Site Plan Approval Standards~~ Requirements

In addition to the requirements of Section 117.2302, the following shall be required on the site plan.

~~i. The following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing the sketch plan submission:~~

~~1. a) The sketch plan shall demonstrate that the natural or restored habitat minimizes the impact to fish, wildlife and general water quality by providing natural ground cover within a shoreline protection strip.~~

~~1.~~

~~2. b) Natural shrubbery, trees and other vegetation shall be preserved as far as practicable, and where removed shall be replaced with other vegetation that is native to the Great Lakes region and equally effective in retarding and filtering runoff and preventing soil erosion. The Shoreline Protection Strip area (including under trees) shall primarily consist of a dense covering of low-growing plants and shrubs. Shrubs and plants shall be spaced so that coverage is complete within a two (2) year period.~~

~~c) The sketch plan shall demonstrate that erosion and sedimentation runoff shall be prevented and shall comply with part 91 of Public Act 451 of 1994 as amended, and any applicable local Soil Erosion Sedimentation and/or Storm Water Runoff Control Ordinances.~~

~~2. d)~~ Location of existing vegetation showing the species and location of trees, shrubs and ground cover within the proposed disturbance area to be saved, moved, or removed.

~~3. p~~ Proposed means of protecting existing plant materials during construction.

~~4. e)~~ Location of proposed plant materials.

~~5. a~~ Planting list of proposed materials, showing sizes, height, quantity, botanical and common names, and spacing.

~~6. f)~~ Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls and tree wells.

~~7. g)~~ Such additional information as the Zoning Administrator or Planning Commission determines is necessary to properly locate and identify existing conditions and proposed landscaping changes.

f. Planting Requirements

1. All planting shall use Native Plants of Northern Michigan as determined by Tip of the Mitt Watershed Council.

2. Native vegetation shall be required at a minimum rate of one (1) tree and three (3) shrubs per fifteen (15) lineal feet of shoreline and shall meet the minimum size standards in the table below. The remainder of the shoreline protection strip shall be planted with trees, native wildflowers, vines, grasses, rushes, sedges, and/or ferns. The shoreline protection strip area (including under trees) shall primarily consist of a dense covering of plants, trees, and shrubs.

3. Maintained lawns shall be prohibited.

4. Shrubs and plants shall be spaced so that coverage is complete within a two (2) year period

<u>PLANTING SIZE STANDARDS</u>	
<u>Plant Material</u>	<u>Minimum Size</u>
<u>Deciduous (canopy) Trees</u>	<u>2.5" caliper measured at 4' above grade</u>
<u>Coniferous (evergreen) Trees</u>	<u>6' height</u>
<u>Deciduous Shrubs</u>	<u>2' height</u>
<u>Upright Coniferous (evergreen) Shrubs</u>	<u>2' height</u>
<u>Spreading Coniferous (evergreen) Shrubs</u>	<u>18" spread</u>

g. Permit Exemptions.

The following activities shall not require a permit under this section and are not required to establish a shoreline protection strip. without a waiver from the Township Zoning Administrator. — The following activities shall not require a permit under Section 117.320, D, 3, a. (Permit required): (The exemptions listed below do not apply if the activity results in sediment flowing into lakes or streams.)

- i. Planting of native trees, shrubs or other plants.
- ii. Post holes for fencing, ~~decks~~, utility posts, mailboxes or similar applications, if no additional grading or earth change occurs for the use of the post holes. Decks do require a permit and plantings.
- iii. Removal of dead, diseased, unsafe or fallen trees, or trees of less than nine (9) inches in circumference (measured at a height of four (4) feet) and noxious plants and shrubs, including poison ivy, poison sumac and poison oak. Tree stumps shall not be removed so shoreline stability is retained, except as provided in Section 117.320, D, 3, b. (Boat Access) and c. (Deck, Patio or Steps)
- iv. Seawall repair/maintenance, provided the area to be repaired/maintained does not exceed one hundred (100) square feet. If a seawall on an inland lake requires repair/maintenance of more than one hundred (100) square feet, the parcel owner shall establish a Shoreline Protection Strip above the sea wall and seek a permit per Section 117.320, D, 3, a. (Permit Required).
- iv. Earth changes necessary for the proper installation of MDEQ approved measures to mitigate shoreline erosion caused by wave action and /or to prevent ice damage to the shoreline.

h. Structures allowed

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The following structures are allowed without requiring additional plantings as required above. Removal may not exceed the minimum necessary to install the below items.

~~d. Permit Exemption with a waiver from the Township Zoning Administrator. The following activities shall not require a permit under Section 117.320, D, 3, a. (Permit required)~~

~~i. Earth changes necessary for the proper installation of MDEQ approved measures to mitigate shoreline erosion caused by wave action and/or to prevent ice damage to the shoreline.~~

i. ~~e.~~ Boat Access. Excavation for a boat access may be constructed to the water's edge to a maximum width of twenty (20) feet, at its widest point. Said excavation shall have a pervious horizontal surface. One boat access is permitted per one hundred (100) foot parcel. Parcels of over one hundred ninety-nine (199) feet of frontage shall be limited to one boat access on each one hundred (100) foot section of frontage.

ii. ~~f.~~ Deck, Patio or Steps. Within the Shoreline Protection Strip, a ground level deck, patio or steps not greater in width than twenty (20) feet width by fifteen (15) feet in depth may be constructed in lieu of excavation for boat access provided under **Section 117.320, D, 3, d.** (Boat Access). The deck or patio must be constructed of pervious surfaces and have ten (10) feet of vegetation effective in retarding and filtering run-off and preventing soil erosion between said structure and the shoreline. When the Michigan Building Code requires railings, they shall not exceed minimum Building Code requirements. Impervious surfaces more ~~thenthan~~ four (4) feet wide must be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60.

~~i.4.~~ Requirements and Recommendations for the upland area. In the area between the upper border of the twenty-five (25) foot Shoreline Protection Strip and fifty (50) feet upland from the shoreline.

i. A patio placed in this area shall be constructed of pervious surfaces. Impervious surfaces for steps shall not exceed four (4) feet in width and shall be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60. The water runoff shall be further directed to promote filtration such as by retention in rain gardens, swales or other methods of retarding runoff.

~~a)~~

~~b)ii.~~ French drains and any other enclosed pipes used for redirecting surface water shall not flow directly into water ~~bodies, but~~ bodies but shall be directed to areas of water retention and filtration.

~~e)iii.~~ Native trees, shrubs, plants and tall grasses are recommended for planting in this area to further protect water quality, preserve sensitive wildlife habitat and reduce ~~soil erosion~~soil erosion and sedimentation run-off.

~~iv. d.)~~ Methods for slowing, spreading and retaining storm water (surface water) such as swales berms and vegetated protection strips and rain gardens are recommended.

~~v. -e.)~~ It is recommended that no fertilizers, herbicides or pesticides be applied within this area.

j. Violations. Removal of vegetation and/or trees that does not comply with the requirements shall be replaced as described below:

- i. Replanting shall occur the same growing season. If, due to the weather, planting the same year is not feasible, plantings must be complete by June 15 of the next growing season.
- ii. If work in the shoreline protection strip occurs in violation of this ordinance, the property owner shall cause for the shoreline protection strip to be replanted and restored to the previous condition prior to the work in violation of the ordinance. Trees shall be replaced at the following rate. If the size of the vegetation removed cannot be determined then the planting shall occur at the largest sized tree or shrub.

<u>Vegetation Removed</u>	<u>Maturation</u>	<u>Planting Required (Removed Number : Required Number to Plant)</u>
<u>Canopy Tree</u>	<u>3" or less caliper</u>	<u>1:1</u>
<u>Canopy Tree</u>	<u>3" to 6" caliper</u>	<u>1:2</u>
<u>Canopy Tree</u>	<u>6" to 9" caliper</u>	<u>1:3</u>
<u>Canopy Tree</u>	<u>9" to 12" caliper</u>	<u>1:4</u>
<u>Canopy Tree</u>	<u>Greater than 12: caliper</u>	<u>1:5</u>
<u>Evergreen or Flowering Tree</u>	<u>8' of less in height</u>	<u>1:1</u>
<u>Evergreen or Flowering Tree</u>	<u>8' to 12' in height</u>	<u>1:2</u>
<u>Evergreen or Flowering Tree</u>	<u>12' to 16' in height</u>	<u>1:3</u>

<u>Evergreen or Flowering Tree</u>	<u>Greater than 16' in height</u>	<u>1:4</u>
<u>Shrub</u>	<u>Any Size</u>	<u>1:1</u>

Date: 3.28.2025
From: Sara Kopriva, AICP
To: Milton Township Planning Commission
Project: Taxes Paid Before Permit Amendment



At the March Township Board meeting, the Board asked that the Planning Commission look at language to require that all taxes are paid prior to any permits being issued in the Township.

Below is proposed language for this amendment. If it is satisfactory, a public hearing is the next step in the process.

XX TAXES & OTHER MONIES OWED

When the Township receives an application for any new or amended zoning permit, site plan review, special use permit, any other application, or any request for a permit or approval required by this Ordinance, the applicant shall be required to present a signed statement from the Township Treasurer that all real and personal property taxes, fees, penalties, fines, assessments, general assessments, and other monies owed to the Township are current and paid up to date. The Township Treasurer's signed statement shall cover the accounts of all named applicants and all properties upon which the application or request is made. The Township shall take no action on any application or request until the applicant or requesting party acquires the Township Treasurer's signed statement that all of the above monies owed are current and paid up to date. The Township shall make no final decision on any application or request if any of the above monies owed become delinquent or remain unpaid during consideration.

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