

**TOWNSHIP OF MILTON
CASS COUNTY, MICHIGAN**

Resolution 2013-010

TO ADOPT MUNICIPAL/CIVIL ORDINANCE 2013-010

MILTON TOWNSHIP SITE CONDOMINIUM DEVELOPMENT ORDINANCE

WHEREAS on August 19, 2013, the Milton Township Board conducted a voluntary Public Hearing concerning the proposed adoption of the "Milton Township Site Condominium Development Ordinance" as a civil ordinance; and,

WHEREAS the Township Planning Commission has reviewed the proposed ordinance and recommend adoption by the Board as a Civil/Municipal Ordinance at this time; and,

WHEREAS the Milton Township Board has fully reviewed all record evidence in support of the need to adopt an ordinance to provide for the orderly and lawful use of Site Condominium Developments within Milton Township; and,

WHEREAS the Milton Township Board has made a finding that the proposed ordinance provides for the Health, Safety, and General Welfare of the Township;

NOW, THEREFORE, BE IT RESOLVED, the Milton Township Board, Cass County, Michigan, hereby adopts The Milton Township Site Condominium Development Ordinance as a Civil/Municipal Ordinance, to be effective no earlier than 30 days after publication.

RESOLUTION UNANIMOUSLY CARRIED on a roll call vote this 19th day of August, 2013.

CERTIFICATE OF ORDINANCE ADOPTION

I Sue Kronewitter, the undersigned, as the duly elected and acting clerk of Milton Township, Cass County, Michigan; do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Milton Township Board held on August 19, 2013, the Board adopted Ordinance No. 2013-010, to become effective on: October 15, 2013, and that members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Motion: Kronewitter
Motion: approve Site Condominium Development Ordinance 2013-010.
Second: Sweeney

ROLL CALL VOTE: YES: Sweeney, Flowers, Kronewitter, Renken
NO: None
ABSENT: Benjamin

Motion Carried

I do further certify that a Notice of Adoption with a copy of the proposed Ordinance was published on September 14, 2013 in the South Bend Tribune, a newspaper of general circulation.

October 15, 2013
Dated

Sue Kronewitter
Sue Kronewitter, Milton Township Clerk

Attest

[Signature]
Robert Benjamin, Milton Township Supervisor

SITE CONDOMINIUM DEVELOPMENT ORDINANCE

SECTION 1.01 PURPOSE AND SCOPE.

Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have appurtenant limited common element reserved for the exclusive use of the owner of the condominium units. Either the condominium unit by itself, or the condominium units taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "Lot" for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, ordinances, and regulations. Site condominium projects shall include general common elements which may consist of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project's location, any land use permitted by the Milton Township Zoning Ordinance may be permitted in a site condominium project.

The purpose of this Ordinance is to ensure that plans for developments within Milton Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978 as amended, shall be reviewed with the objective and intent of achieving the same or comparable essential characteristics as if the development and improvements therein were being proposed pursuant to the Land Division Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this Ordinance to ensure that such development is in conformance with the requirements of the Zoning Ordinance, as amended, and other applicable Township Ordinances and state and federal regulations.

SECTION 1.02 DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. **Building Site.** Within a condominium development the same shall mean that portion of a lot or parcel, which is a two dimensional condominium unit of land (i.e., envelope, footprint), along with any designated space above and/or below the land, designed for the construction of a principal building in addition to any accessory buildings. All building sites shall have access to a public or private street or road.
- B. **Common Elements.** The portions of a condominium project other than the condominium units.
- C. **Condominium Project.** A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.
- D. **Condominium Plan.** The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- E. **Condominium Unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is

- intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
- F. Consolidating Master Deed. The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space which final amended master deed fully describes the condominium project as completed.
 - G. Contractible Condominium. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - H. Limited Common Elements. The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
 - I. Lot. A single unit or division of land contained in the development, whether it be numbered, lettered or otherwise designated, which has frontage on a public or private street or road.
 - J. Master Deed. The legal document prepared and recorded pursuant to Act No. 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium development plan for the project.

SECTION 1.03 SITE CONDOMINIUM REVIEW AND APPROVAL PROCEDURES

Application for review and approval of a site condominium development shall be in accordance with the following procedures:

- (A) Step I - Preliminary Review. Prior to the formal application for a Site Condominium Development, the developer shall meet with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Township Clerk (or appropriate designee) who shall distribute it to the Zoning Administrator, all Planning Commissioners, the Township Supervisor, Township Planner and Engineer of record:
 - (1) A scaled drawing to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
 - (2) A statement regarding the provision of sewer service and water supply.
 - (3) Appropriate fees as required by Township Board resolution.

During the preliminary discussion meeting, the Planning Commission and applicant shall discuss the following, as applicable:

- (1) General requirements of this Section and other applicable provisions of the Zoning Ordinance.
- (2) Planned or anticipated sites of parks and recreation areas and other public uses.
- (3) Utility system capabilities.

- (4) Planned or anticipated public improvements, including streets, utility extensions, and the like.
- (5) Street plans and potential problems relative to the natural features of the area including, but not limited to, floodplains, soil conditions, topography, and groundwater tables.
- (6) Additional information which may assist the applicant in proceeding in a reasonable and sound manner toward final approval of the site condominium project.

Step I Review is intended for information purposes only and does not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

(B) **Agency Review.** Following Step I preliminary review the applicant shall submit the site condominium development plans to the following agencies for their preliminary review and comments

- (1) Cass County Health Department
- (2) Cass County Road Commission
- (3) Cass County Drain Commission
- (4) Michigan Department of Natural Resources and Environment
- (5) Michigan Department of Transportation
- (6) Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.
- (7) Gas and electrical utility corporations serving the area.
- (8) The applicable Intermediate School District and the individual School District affected by the project.

(C) Step II Preliminary Review By Planning Commission.

- (1) **Submission Requirements.** An application for preliminary review of a site condominium development project shall be made to the Township Clerk along with the appropriate fees as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - i. The Applicant's name, address and phone number.
 - ii. Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
 - iii. The name, address and phone number(s) of the owner(s) of record if different than the applicant.
 - iv. The legal description, address and tax parcel number(s) of the property.
 - v. Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing etc.
 - vi. Gross and net size of the parcel in acres.

- vii. Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium Development plans, as applicable.
 - viii. An outline and/or example of the proposed condominium or covenants for the site condominium development which complies with state law.
 - ix. An outline and/or example of any preliminary agreements which may be required before Final Plan approval is granted.
 - x. An outline and/or example of the proposed Master Deed of the project and the supportive information which is intended to be recorded with the Register of Deeds as required by state law.
- (2) The applicant shall provide at least fifteen (15) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Clerk. The plans shall contain the information required for preliminary site condominium plans as required by this Section.
- (3) The application and plans shall be submitted at least twenty (20) days before the next regularly scheduled meeting of the Planning Commission.
- (4) Upon receipt of the preliminary site condominium project plans, the Clerk shall forward one copy to each member of the Planning Commission, Township Planner and Engineer of record, for consideration at the next regularly scheduled meeting of the Planning Commission.
- (5) Planning Commission Step II Review.**

The Township Clerk shall notify by mail all the members of the Planning Commission that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of the public hearing shall be made as described in 14.04 of the Milton Township Zoning Ordinance and State Law.

In reviewing the Preliminary Plan, the Planning Commission shall give particular attention to the requirements of this Chapter. The Planning Commission shall also review all condominium documents and bylaws for the site condominium project and find that they are adequate to ensure ultimate completion of the completion of the project in accordance with the proposed project plan. If the Preliminary Plan meets the requirements of this Ordinance and all other applicable local, county, state and federal regulations, the Planning Commission shall grant its Preliminary Recommendation. The Planning Commission shall forward one (1) copy of the Preliminary Plan along with a notation indicating Preliminary Recommendation to the Township Board for Step II review and approval.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- (a) Recommend denial of the Preliminary Plan, setting forth the reasons in writing, or
- (b) Recommend granting of Preliminary Plan approval contingent upon completion of the revisions as noted.

The Planning Commission shall forward the Planning Commission's recommendations to the Township Board.

- D. Township Board Step II Review, and Approval of Preliminary Plan. After receipt of the Preliminary Plan and recommendations from the Planning Commission, the Township Board shall consider the Preliminary Plan at its next meeting, or within thirty (30) days from the date of receipt from the Planning Commission.
- (1) The Township Board shall consider the Preliminary Plan along with the recommendations of the Planning Commission. If the Plan meets the Preliminary Plan requirements of this Ordinance, the Board shall grant Step II Preliminary Plan approval. The Township Clerk shall sign the plan with the notation that it has received Step II approval and the applicant shall be so notified. Step II approval shall give the applicant the following rights for a two (2) year period from the date of approval:
 - (a) That the general terms and conditions under which Step II approval were granted will not be changed by the Township.
 - (b) That the building site sizes, number and orientation and street layout have been approved.
 - (2) If the Preliminary Plan substantially meets the requirements of this Ordinance, the Township Board may grant tentative approval of Step II. This approval shall be conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step II. Upon the submission of such changes, revisions, or additional material to the Township Board, the Preliminary Plan shall be granted unconditional Step II approval and the applicant shall be so notified.
 - (3) If the Preliminary Plan cannot meet the requirements of this Ordinance, the Township Board shall deny Step II approval and shall notify the applicant along with the reasons for denial.
- (e) Effect of Step II Approval. Approval of a Step II Preliminary Site Condominium Development project by the Township Board shall serve as conditional authorization to proceed with the project, including the sale of individual building sites on the basis of condominium ownership and the construction of required improvements to the land in conformity with approved project plans. Step II Preliminary Site Condominium Development approval shall not serve as the direct authorization for construction of buildings on individual building sites within the Development. Prior to the construction of infrastructure (i.e. including but not limited to base roads, drainage, and essential utilities (electric and gas)), the developer shall be allowed to construct two (2) model units and begin construction on end buyer units. No Occupancy Permits shall be issued until base roads, drainage and essential utilities are in place to the end buyer site. Individual uses shall be subject to the customary zoning provisions and any general or special regulations applicable to the individual structure or use as outlined or referenced in the applicable District regulations of this Ordinance.
- (f) Final Plan Review and Approval
- (1) Within two (2) years from the date of Step II approval of the Preliminary Plan, the

Applicant shall prepare and submit the necessary copies of the Final Site Condominium Plan to the Township Clerk along with a completed application form and any fee established by the Township Board at least two (2) weeks prior to the next regularly scheduled Board meeting. The applicant shall also submit the following:

- (a) Two (2) copies of as-built plans of all required public improvements which shall be reviewed by the Township Engineer of record for compliance with applicable Township ordinances
 - (b) A copy of all final agreements and the Master Deed which is to be recorded with the Cass County Register of Deeds.
 - (c) Letters of approval from all applicable agencies or utilities listed in Subsection (2) stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.
- (2) If all submissions are found acceptable, the Clerk shall submit the same to the Township Board at its next regular meeting for approval.
 - (3) The Board shall approve or reject said Final Plan based upon the Plans and other material submitted and the recommendation of the Township Engineer of record and notify the applicant in writing.
 - (4) If the Final Plan is rejected, the Clerk shall notify the applicant stating the reasons for denial.
 - (5) All provisions of the Site Condominium Development Project Plans which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the condominium project. A copy of the Master Deed as filed with the Cass County Register of Deeds for recording must be provided to the Township Clerk within ten (10) days after such filing with the County.

SECTION 1.04 FINANCIAL GUARANTEE.

In lieu of completion of all required public or private improvements prior to approval of the final plan, the Township Board may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any public agency other than the Township responsible for the administration, operation, and maintenance of the applicable public improvement. Completion of improvements shall be required prior to the issuance of occupancy permits for any dwelling or business establishment.

(a) Cash Deposit, Certified Check, Irrevocable Letter of Credit

- (1) A cash deposit, certified check, irrevocable letter of credit or bond, shall accrue to the respective public agency responsible for administering the construction, operation, or maintenance of the specific public improvement. These deposits shall be made with the treasurer of the respective unit of government of which the public

agency is a part, or deposited with a responsible escrow agent, or trust company, subject to the approval of the respective governmental body.

- (2) The dollar value of the cash deposit, certified check, , irrevocable letter of credit or bond shall be equal to the total estimated cost of construction of the specified public improvement inclusive of administrative costs not to exceed 20%.
 - (3) The escrow time for the cash deposit, certified check, , irrevocable letter of credit or bond shall be for a period to be specified by the respective public agency responsible for administering the construction, operation or maintenance of the specific public improvement.
 - (4) In the case of either cash deposits or certified check, an agreement between the respective public agency and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check to the extent of the estimated cost of the completed portion of the public improvement in accordance with the standard practices of the public agency responsible for administering the specific public improvement.
- (b) Penalty for Failure to Complete the Construction of a Public Improvement. In the event the developer shall, in any case, fail to satisfactorily complete the required construction of a public improvement within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Township Board may declare the developer to be in default and require that all the improvement(s) be installed regardless of the extent of the building development at the time the bond is declared to be in default. The Township Board may obtain sums necessary for the cost and expense of such installation by appropriating the amounts necessary to complete the project from the cash deposit, certified check, , irrevocable letter of credit or bond. Nothing contained herein shall prohibit the Township from the pursuit of any other remedies which may be available for breach of agreement and/or for damages including requests for actual attorney fees and costs.

SECTION 1.05 SITE CONDOMINIUM DEVELOPMENT PLANS.

- (a) Required Content - Preliminary Plan. Site plans submitted for a Site Condominium Development shall be prepared in accordance with the following requirements.

The Preliminary Plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

- (1) The name of the project; the name and address of the developer; the name, address and seal of a registered Michigan Surveyor or engineer preparing the Plan; and a description of the property to be subdivided.
- (2) A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
- (3) North arrow, scale, contour interval, and legend when appropriate.
- (4) Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
- (5) Where appropriate, established flood plain contours and elevations adjusted to USGS datum.

- (6) The location of all existing streets, driveways, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property within 200 feet of the subject property.
 - (7) The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:
 - a. Street and stub street right-of-way – location, width and curve radii.
 - b. Proposed street names.
 - c. Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten (10) square feet.
 - (8) The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
 - (9) The locations and tentative sized of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
 - (10) Statements regarding:
 - a. Intent to utilize public or private water or sewage facilities
 - b. Zoning and lot size requirements.
 - c. Zoning requirements for front, side and rear yards.
 - d. Size and type of street in accord with Cass County Road Commission standards or any adopted Milton Township private street regulations.
 - e. Intent to install gas, sidewalks, street lights, and shade trees.
 - f. Use of waterways, rivers, streams, creeks, lakes or ponds.
 - g. The location of all general and limited common elements.
 - h. The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the Master Deed.
 - i. The intent to use multiple phases of construction in this development.
 - j. A declaration to show general common elements, limited common elements, must be built and need not be built common elements for the Site Condominium Plan.
- (b) Required Content-Final Plan. The Final Plan for a Site Condominium Development shall include:
- (1) One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the Township.
 - (2) One (1) copy of the final Master Deed intended for recording.
 - (3) Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, streetlights, or shade trees.
 - (4) One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements, if any.

SECTION 1.06 SITE CONDOMINIUM DEVELOPMENT LAYOUT, DESIGN, AND REQUIRED IMPROVEMENTS.

- (a) Conformance With Zoning. All land uses and building sites within a site condominium development project shall be subject to the requirements of the Milton Township Zoning Ordinance for that zoning district in which it is located.
- (b) Streets. All site condominium development lots shall be served by a private road system constructed in accordance with the provisions under the standards of Milton Township Zoning Ordinance.
- (c) Water, Sanitary Sewer, Storm Drainage and Private Utilities.
 - (1) Site condominium developments which cannot reasonably be required to connect to public water and sewer services may at the discretion of the Township Board be allowed to utilize private well and septic systems. Such systems, if allowed, shall adhere to the requirements of the Cass County Health Department. Private community well and sewage systems, if allowed, shall be constructed to standards for public systems for eventual dedication to the public.
 - (2) All telephone, electric, gas and cable television utilities, when provided, shall be installed underground within easements dedicated for such use.
 - (3) Storm drainage collection, retention, and detention facilities shall be constructed to Cass County Drain Commission standards and recommendations.
 - (4) Unless specifically waived by the Township, streetlights shall be required at all street intersection and appropriate legal and financial mechanisms for the installation and operation of the street light system by the residents shall be established by the proprietor.
- (d) Other Required Improvements.
 - (1) Monuments shall be located in the ground at all angles along the boundaries of the site condominium development. These monuments shall be made of solid iron or steel bars at least ½ inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
 - (2) All corners of lots within a site condominium development shall be staked in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch in diameter or other markers as approved by the Township Building Inspector.
- (e) Law. The requirements, procedures, regulations, and powers set forth in the Condominium Act, Act 59 of 1978, as amended, shall apply.
- (f) Inspection and Specifications. The Township Board may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installation of improvements called for shall be subject to the approval of the Township or its agent, or such other competent persons as designated by the Township. All inspection fees shall be paid by the applicant before the Final Plan is signed by the Township Supervisor, unless adequate sureties or deposits to cover such expenses are provided to the Township prior to Final Plan approval.

SECTION 1.07 VARIANCES.

- (a) Building Site Area, Width, and Depth Regulations. Variances with respect to individual building site width, depth, and area regulations governed by the District regulations of the Zoning District in which the site condominium project is located shall be made to the Milton Township Board of Trustees pursuant to the procedures, rules, and conditions contained in this Ordinance.
- (b) Applications. Applications for any variance for the planned Site Condominium Development shall be made in writing by the petitioner prior to the time when the Step II Preliminary Plan is filed for the consideration of the Planning Commission. The application shall state fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid the Milton Township Board of Trustees in the analysis of the proposed variance.

SECTION 1.08 VIOLATIONS

Violation of this Milton Township Ordinance shall be processed as follows:

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

Each day that a violation exists shall be considered a separate infraction. 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, 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.

SECTION 1.09 SEVERABILITY AND REPEAL

The provisions of the ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations or actions to enforce, under any previous ordinance being repealed hereby shall not be affected by this ordinance and may be continued pursuant to said previous ordinance.

SECTION 1.10 EFFECTIVE DATE

This ordinance shall take effect 30 days after publication as required by law.

Sue Kronewitter, Clerk
Milton Township, Cass County, Michigan
32097 Bertrand St
Niles, MI 49120

**NOTICE OF ORDINANCE ADOPTION
TOWNSHIP OF MILTON
CASS COUNTY, MICHIGAN
32097 Bertrand St
Niles, MI 49120**

To: The residents and property owners of Milton Township, Cass County Michigan and any other interested parties.

PLEASE TAKE NOTICE that at a meeting of the Board of Trustees of Milton Township, Cass County Michigan on Monday, August 19, 2013, the Milton Township Board adopted a new Civil/Municipal Ordinance, number 2013-010, being: The Milton Township Site Condominium Development Ordinance, and to repeal any ordinance or parts of ordinances in conflict therein.

ORDINANCE 2013-010
The Milton Township **SITE CONDOMINIUM DEVELOPMENT ORDINANCE**, which is summarized as follows:

SECTION 1.01 PURPOSE AND SCOPE. The purpose of this Ordinance is to ensure that plans for developments within Milton Township proposed under the provisions of the Michigan Condominium Act, Act 59 of the Public Acts of 1978 as amended, shall be reviewed with the objective and intent of achieving the same or comparable essential characteristics as if the development and improvements therein were being proposed pursuant to the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

SECTION 1.02 DEFINITIONS. For purposes of this Ordinance certain terms and words used have been defined, which include: Building Site, Common Elements, Condominium Project, Condominium Plan, Condominium Unit, Consolidating Master Deed, Contractible Condominium, Limited Common Elements Lot, Master Deed.

SECTION 1.03 SITE CONDOMINIUM REVIEW AND APPROVAL PROCEDURES. Application for review and approval of a site condominium development shall require several steps. This section outlines the steps and actions required by the Planning Commission and Township Board, as well as other Agencies.

SECTION 1.04 FINANCIAL GUARANTEE. In lieu of completion of all required public or private improvements prior to approval of the final plan, the Township Board may permit the developer to provide a financial guarantee of performance.

SECTION 1.05 SITE CONDOMINIUM DEVELOPMENT PLANS. Section describes the required items to be included in any proposed or final plan.

SECTION 1.06 SITE CONDOMINIUM DEVELOPMENT LAYOUT, DESIGN, AND REQUIRED IMPROVEMENTS. Describes what is required relative to: Zoning; Streets; Water, Sanitary Sewer, Storm Drainage and Private Utilities; Other Required Im-

provements; and compliance with Michigan Laws.

SECTION 1.07 VARIANCES. Variances with respect to individual building site width, depth, and area regulations governed by the District regulations of the Zoning District in which the site condominium project is located can be made to the Milton Township Board of Trustees.

SECTION 1.08 VIOLATIONS. Violation of this Milton Township Ordinance shall be processed as a Municipal Civil Infraction with applicable fines.

SECTION 1.09 SEVERABILITY & REPEAL. Provides for severability and repeal of sections and other ordinances in conflict.

SECTION 1.10 EFFECTIVE DATE: Provides for an effective date of the ordinance, which shall be 30 days after publication in the newspaper of general circulation.

PLEASE TAKE FURTHER NOTICE that full text copies of the adopted ordinance are available for inspection, and can be purchased, at the Milton Township Hall, during regular open business hours from the date of this publication. More information can be obtained by calling Milton Township at 269-684-7262.

Sue Kronewitter, Clerk
Milton Township, Cass County, Michigan
Hspaxlp
11: 9: 14

Agenda - Milton Township
Board of Trustees Meetings
Public Hearing @ 6:30 pm
Regular Board Meeting @ 7:00
pm

August 19, 2013

Public Hearing regarding Site Condominium Development Ordinance called to order at 6:30pm, pledge recited. Present: Kronewitter, Renken, Flowers, Sweeney. Absent: Benjamin. Motion approved for selection of chairperson, General public comment period held, BOT general comment. Public comment's taken on Site Condominium Development Ordinance. No public comments were made. Motion to adjourn, 06:32pm. Complete un-official minutes may be viewed at Milton Township Hall, 32097 Bertrand St., Niles MI 49120, and the township website www.milfontwp.org. Sue Kronewitter, Milton Township Clerk.

Regular meeting of the Milton Township Board called to order 7:00 PM, pledge recited. Present: Kronewitter, Renken, Flowers, Sweeney. Absent: Benjamin. Public comment held. BOT member comments and Community reports. Presentation of 2012-2013 Audit by Derek Hall, Michigan Department of Treasury. Motions approved: Selection of Chairperson, Agenda, minutes of 07/15/13 and 07/25/2013, Site Condominium Development Ordinance, placing township building project for bid, appointment of ZBA member, approval of checks 8348-8401, less 8377. Adjournment at 08:02pm. Complete un-official minutes may be viewed at Milton Township Hall, 32097 Bertrand St., Niles MI 49120, and the township website www.milfontwp.org.

Sue Kronewitter
Milton Township Clerk
Hepaxlp
11: 9: 20

Milton Township

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

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

**MILTON TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING at 7:00pm
August 19, 2013**

Township Board Members
Supervisor – Robert Benjamin, Clerk – Sue Kronewitter, Treasurer – Susan Flowers,
Trustee – Eric Renken, Trustee – Kelly Sweeney

CALL TO ORDER/PLEDGE OF ALLEGIANCE: Meeting Called to order at 7:00pm by Kronewitter. Pledge of Allegiance recited. All were present with the exception of Benjamin who had an excused absence.

OTHERS PRESENT: Zoning Administrator, Township Attorney.

SELECTION OF CHAIRPERSON FOR MEETING

Motion: Renken
Motion to have Trustee Sweeney serve as chairman for this meeting.
Second: Flowers
Motion Carried.

PUBLIC COMMENT: None.

BOARD MEMBER COMMENT: None.

COMMUNITY REPORTS:

Zoning Administrator, Sniadecki – Report in packet. ZBA hearing August 26, 2013 for a sign in Ag. Production.

Planning Commission Ex-Officio, Sweeney – Embridge came to meeting providing an explanation of a valve at their site. Jeremy Clanton recommended for the PC ZBA member. Planner and Board representative held a training session on farmland for the PC members. PC members will be applying for scholarships to attend the Michigan Citizen Planner class either online or at the SWMC Howagile Camp.

Commissioner, Zilak – Cass County has hired a new CPA, Chantli Wozak. Timeline for the new administrator is for November 1, 2013. They are working on a budget for September. Flyer for the sale of trees by the Cass County Conservation District distributed.

Renken, Fire & Ambulance: There were no fire calls in Milton during the last two months. Edwardsburg Fire Department open house August 21, 2013. No MCAS report.

Brown of Faith Chapel Society, the church is to have two weddings.

APPROVAL OF AGENDA

Motion: Sweeney
Motion to add # 4 under new business, approval of PC ZBA member.
Second: Flowers
Motion Carried.

AUDIT PRESENTATION

Auditor, Derek Hall of the Department of Treasury presented the townships completed audit for April 1, 2012 to March 31, 2013. The General Fund is in real good shape as well as the Fire and Ambulance. The three funds are all in sound shape and going as well as can be hoped for. Our revenues exceed our expenses. Continue to take advantage of market funds when you can. We have a good bottom line and as our auditor, he cannot ask for more.

APPROVAL OF PREVIOUS MINUTES

Motion: Renken
Motion to approve the minutes of July 15, 2013 as presented.

Second: Sweeney
Motion Carried.

Motion: Kronewitter
Motion to approve the minutes of July 25, 2013 as presented.

Second: Sweeney
Motion Carried.

RECESS: 07:36pm

Motion: Renken
Motion for 5 minute recess for clerk to print additional financial report.

Second: Flowers
Motion Carried.

BACK IN SESSION: 07:41pm

BOT called back into session by Chairperson Sweeney.

FINANCIAL REPORTS

Review of township budget and treasurer report read.

SITE CONDOMINIUM DEVELOPMENT ORDINANCE

As presented is a civil ordinance. Eventually to be incorporated in our Zoning Ordinance. PUD, Zoning district overlays and forms of ownership of lands, and definition of condominiums were discussed.

Motion: Kronewitter
Motion: approve Site Condominium Development Ordinance 2013-10.

Second: Sweeney

ROLL CALL VOTE: Sweeney – Yes, Flowers – Yes, Kronewitter – Yes, Renken – Yes
Motion Carried.

SMITH CHAPEL PAINTING PROJECT

Three bids were submitted. David Noasbani, LLC - \$11,730.00, House Doctor Renovations - \$17,665.00 and Dave Cole Decorator - \$22,100.00. Discussion held on the variance in bid amounts, the process of encapsulation, monitoring the work process with a check and balance, how to pay as the steps are approved, patch tests, ongoing and past issues with chipping and peeling of paint. Award of bids tabled for next month. Board members have the next 4-7 days to contact Renken with their written questions and concerns about the painting project. He will contact all bidders with the same questions and bring those results to the September meeting.

In reviewing past financial statements, to date, the Smith Chapel Historical Society has not contributed any monies towards chapel projects, nor have they had any fund raisers to help contribute to maintaining the chapel. The board members feel these concerns need to be addressed in a future meeting.

TOWNSHIP HALL BUILDING PROJECT UPDATE

Presentation made by Richard Hebard. Their company is working on the coordination of details, a revised schedule, code changes regarding handicapped lifts and sprinklers, and the reduction of square footage in basement. He anticipates a special board meeting in October. Documents are being prepared for the project to be put out for bid. Questions and comments were made from the audience.

Motion: Renken
Motion: Approve Hebard & Hebard Architects to place building project out for bid after August 30, 2013.

Second: Sweeney

ROLL CALL VOTE: Kronewitter – Yes, Renken – Yes, Sweeney – Yes, Flowers – Yes
Motion Carried.

APPOINTMENT OF PLANNING COMMISSION MEMBERS

Tabled

ZONING BOARD OF APPEALS FEES

Kronewitter informed the board our fees have not been review since 2008 and that we, as a board, need to address if those fees are meeting our expenses.

APPOINTMENT OF ZBA MEMBER

Motion: Sweeney
Motion to approve the PC recommendation that Jeremy Clanton to serve as ZBA member to replace Diane Shields.
Second: Renken
Motion Carried.

APPROVAL OF CHECKS

Discussion of check 8377, William & Works breakdown of various charges.

Motion: Kronewitter
Motion to approve checks as presented (8348-8401) except for 8377 until detail of charges are confirmed.
Second: Renken
ROLL CALL VOTE: Flowers - Yes, Kronewitter- Yes, Renken- Yes, Sweeney- Yes
Motion Carried.

ADJOURNMENT

Motion: Renken
Motion to adjourn.
Second: Kronewitter
All in Favor: YES - Motion Carried.

Meeting adjourned at: 9:02pm
Respectfully submitted.

Sue Kronewitter
Clerk, Milton Township

OFFICIAL

Milton Township

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MILTON TOWNSHIP BOARD OF TRUSTEES PUBLIC HEARING at 6:30pm August 19, 2013

Public Hearing for "**Site Condominium Development Ordinance**", by the Milton Township Board was called to order August 19, 2013 at 6:30pm, at the township hall by Clerk Kronewitter. Pledge of Allegiance Recited.

BOARD MEMBERS PRESENT: Clerk - S. Kronewitter, Treasurer - S. Flowers, Trustee - E. Renken, Trustee - K. Sweeney

BOARD MEMBERS ABSENT: Supervisor - R. Benjamin, out of town with prior notice to board.

OTHERS PRESENT: Zoning Administrator

SELECTION OF CHAIRPERSON FOR MEETING

Motion: Kronewitter
Motion to have Trustee Sweeney chair the public hearing.
Second: Renken
Motion Carried.

PUBLIC COMMENT PERIOD: PC member Jurezi general comments. PC member Klopenstine told the board they are doing a good job.

BOARD MEMBER COMMENT: None.

PUBLIC COMMENT PERIOD REGARDING SITE CONDOMINIUM DEVELOPMENT ORDINANCE: None.

Public Comment Period closed by Chairperson.

BOARD MEMBER COMMENTS: None.

ADJOURNMENT

Motion: Renken
Motion to adjourn.
Second: Flowers
All in Favor. Motion Carried.

Meeting adjourned at: 6:32 p.m.
Respectfully submitted.

Sue Kronewitter
Clerk, Milton Township