

**Melrose Township Board of Trustees Approved Minutes
November 9, 2021 7:00pm**

Call to order: V. Goodwin called to order 7:00pm

Approval of the Agenda

Motion to amend the agenda by adding Appointment to DDA board and approve as amended.

Motion S. Burr 2nd M.P. Goldich. 5/0 approved

Approval of minutes from previous meeting:

Minutes of the October 12, 2021 Regular Meeting

Motion to approve the minutes of the October 12, 2021 Regular Board meeting as presented.

Motion: M.P. Goldich 2nd D. Nowland. 5/0 approved

Guest –

R. Jess Char. Co. Commissioner

Reported on things at the County. A Road Name dedication after a veteran, Beaver Island Light House property planning, talk of a new County Court House, Vacancy on County Planning Commission.

Old Business

- **Sewer Update –**
V. Goodwin reported extension up North Shore to happen in the Spring.
ARPA 1st Check is in the warrant stage. Plan is to use this to work on sewer system expansion to Holms Rd. site.
- **Water Update:** no news
- **Third Street:** Phase I is complete. Bills will be coming.
- **Parking on Township land Policy:** Nothing done yet
- **Cemetery Ordinance update:** Nothing done yet
- **Dam:** Written report has not been received yet from Performance Engineers
- **Library update:**
M. P. Goldich reported the new director has started. The Library Board has complete membership.
- **Mettler Lawsuit update**
Mediation is an option to be considered. The drain field easement would be re-added to the deed. Need to think about what else to seek.
- **Noise in the village issue / Ordinance direction for Attorney**
Discussion of issues and options. Supervisor stated he would not enforce this ordinance.
Biggest concerns- loud music from boats on the lake, music and other noise echoing on the lake from outside activities. Businesses have implemented quiet hours on events in the future.
Seek legal opinion if quiet hours can be linked to liquor license holders within the Township. Could explore Countywide ordinance, then the Sheriff office could enforce.

New Business

- **Zoning Administration –
Written Agreement for Services**
The options for providing Zoning and Planning Services and Enforcement were to be presented to the Board.
Discussion how the policies and procedures guide addresses filling a vacancy.
Motion to create a Personnel Committee for Melrose Township consisting of: Supervisor V. Goodwin, Board member M.P. Goldich, community member D. Bier.
Motion D. Nowland, 2nd. S. Burr. Approved 5/0
- **Smith Street Easement Agreement**
Not back from the attorney yet.

- **Village Tree Lighting Mass Gathering Permit**
 Planning Commission recommends approval of the permit for the Tree Lighting Event in the Village.
 Motion to approve the Mass Gathering Permit requested for the Village Tree Lighting Event by The
 Barrel Back, as recommended by the Melrose Township Planning Commission.
 Motion: S. Burr, 2nd D. Nowland. Approved 5/0

- **Land Division Act**
 - **Repeal old Ordinance**
 Ordinance 1 of 2021 Repeal
 Motion to repeal
 Motion: M. P. Goldich 2nd R. Hissong Berry
 Roll call vote: V. Goodwin-Y, S. Burr-Y, M.P. Goldich-Y, D. Nowland-Y, R.H. Berry-Y
 Approved 5/0
 - **Approve new Ordinance**
 Ordinance 2 of 2021 Land Division
 Motion: S. Burr, 2nd M. P. Goldich
 Roll call vote: V. Goodwin-Y, S. Burr-Y, M.P. Goldich-Y, D. Nowland-Y, R. H. Berry-Y
 Approved 5/0

- **DDA Appointment**
 Motion to appoint Bill Goldsmith to serve on the DDA.
 Motion: V. Goodwin, 2nd D. Nowland. Approved 5/0

Financial Report

- **General Fund Report**
 Motion to accept financials as presented and pay all bills.
 Motion: S. Burr, 2nd D. Nowland. Approved 5/0
- **Sewer Fund Reports**
 Motion to accept sewer fund financials as presented and pay all bills.
 Motion: M.P. Goldich, 2nd D. Nowland. Approved 5/0

Zoning Administrators Report

See included report.
 2 permits issued, 3 pending

Assessors Report No report

Employee Grounds Report No report

Committee Reports

- **Planning Commission**
 D. Nowland presented report. Shared issues with mass gathering permits that had been applied for. The
 applications are being revised and re-submitted.
- **Zoning Board of Appeals** no meeting
- **Road Committee**
 E. Lee reported things are being wrapped up. The engineering for North Shore Drive has been started.
- **Park Committee:** Nothing new
- **Fire Department:** See included report
- **DDA:** The last meeting focused on the budget proposal for next year.

Correspondence

Clerk reported the Nov. 2, 2021 Election cost is \$958.00. Budget will need to be adjusted to cover this
 unexpected cost.

Public Comment: Called for - none

Adjournment: at 8:55pm

TOWNSHIP OF MELROSE
Ordinance No. 1 of 2021

AN ORDINANCE TO REPEAL SECTION 4.24 OF THE MELROSE TOWNSHIP ZONING
ORDINANCE

THE TOWNSHIP OF MELROSE ORDAINS:

Section 1. Repeal of Section 4.24.

Section 4.24 of the Melrose Township Zoning Ordinance is hereby repealed in its entirety.

Section 2. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 1 was adopted on the 9th day of November, 2021, by the Melrose Township Board as follows:

Motion by: M.P. Goldich

Seconded by: S. Burr

Yeas: 5

Nays: 0

Absent: 0

Robin Hissong Berry, Clerk

Vern Goodwin, Supervisor

I certify that this is a true copy of Ordinance No. 1 that was adopted at a regular meeting of the Melrose Township Board on November 9, 2021 and published in the Petoskey News Review on November 17, 2021.

Dated: November 11, 2021

Robin Hissong Berry, Clerk

TOWNSHIP OF MELROSE
Ordinance No. 2 of 2021

AN ORDINANCE TO REGULATE THE DIVISION OF EXISTING PARCELS OF LAND PURSUANT TO ACT 288 OF THE PUBLIC ACTS OF 1967, AS AMENDED, AND ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PRESCRIBE PROCEDURES THEREFOR, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF MELROSE ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Melrose Township Parcel Division Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to carry out the provisions of the Land Division Act (Act 288 of the Public Acts of 1967, as amended, formerly known as the Subdivision Control Act), to prevent the creation of lots and parcels that do not comply with applicable Melrose Township ordinances, to minimize potential boundary disputes, to maintain the orderly development of the township, and to otherwise protect the public health, safety and general welfare of the residents and the present and future property owners of Melrose Township. This shall be accomplished by regulating the division of existing lots and parcels and property transfers between two (2) or more adjacent lots or parcels. It is further the purpose of this Ordinance to prescribe the procedures for the submission and review of proposed lot and parcel divisions and property transfers, to authorize fees for the review of applications submitted under this Ordinance, and to provide penalties for violations of this Ordinance.

Section 3. Definitions. As used in this Ordinance,

- (a). "Accessible" in reference to a lot or parcel means that the lot or parcel meets one (1) or both of the following requirements:
- (1). Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and can meet all such applicable location standards.
 - (2). Is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, as amended, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- (b). "Applicant" means an owner of a lot or parcel of land, or his or her designee.

- (c). "Convey" or "Conveyance" means a transfer by an owner of an ownership interest in real property.
- (d). "Development site" means any parcel or lot on which exists or which is intended for building development other than the following:
 - (1). Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
 - (2). Forestry use involving the planting, management, or harvesting of timber.
- (e). "Divide" or "Division" means the partitioning or splitting of a lot, parcel or tract of land by the owner or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, lease of more than one (1) year, building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that satisfies the division standards of Section 6 of this Ordinance. "Divide" or "Division" does not include a property transfer between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel; and any resulting lot or parcel shall not be considered a building site unless the lot or parcel conforms to the requirement of the Land Division Act, being Act No. 288 of the Public Acts of 1967, as amended, the Melrose Township Zoning Ordinance, as amended, and this Ordinance.
- (f). "Exempt split" means the partitioning or splitting of a lot, parcel or tract of land by the owner or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one (1) or more lots or parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel, any resulting lot or parcel shall not be considered a building site unless the lot or parcel conforms to the requirement of the Land Division Act, being Act No. 288 of the Public Acts of 1967, as amended, the Melrose Township Zoning Ordinance, as amended, and this Ordinance.
- (g). "Forty (40) acres or the equivalent" means forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
- (h). "Land" means all land areas occupied by real property, except the submerged bottomlands of inland lakes, rivers, and streams.
- (i). "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- (j). "Owner" means a person that holds a legal, equitable, option, or contract interest in a lot or parcel of land whether recorded or not.
- (k). "Parcel" means a continuous area or acreage of land which can be described as provided for in the Land Division Act, being Act No. 288 of the Public Acts of 1967, as amended.

- (l). "Parent parcel" means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.
- (m). "Person" means an individual, firm, corporation, association, partnership, estate, trust, limited liability company, or other legal entity, or any combination of any of them.
- (n). "Planning Commission" means the Melrose Township Planning Commission.
- (o). "Plat" or "Recorded plat" means a map or chart of a subdivision of land created pursuant to the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, or predecessor statutes to that act.
- (p). "Property transfer" means a transfer of property between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel and if all resulting lots or parcels conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Melrose Township Zoning Ordinance, as amended, and this Ordinance. If the property transferred does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Melrose Township Zoning Ordinance, as amended, and this Ordinance, then it shall not be considered a development site, but may only be used in conjunction with the lot or parcel to which it was transferred.
- (q). "Township Assessor" means the Melrose Township Assessor.
- (r). "Tract of land" means two (2) or more lots or parcels that share a common property line and are under the same ownership.
- (s). "Zoning Administrator" means the Melrose Township Zoning Administrator.
- (t). "Zoning Board of Appeals" means the Melrose Township Zoning Board of Appeals.

**Section 4. Approval of Land Divisions or Property Transfers Required;
Establishment of Exempt Splits.**

- (a). The owner of a lot, parcel, or tract of land shall not divide or effect a property transfer involving, or cause any person to divide or effect a property transfer involving, that lot, parcel, or tract of land except as provided in this Ordinance, unless the division or property transfer is approved as part of a subdivision plat at the time of plat approval under the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, the division or property transfer is part of a condominium project developed under the Condominium Act, being Act 59 of the Public Acts of 1978, as amended, or the division or property transfer is done pursuant to an order of a court of competent jurisdiction.
- (b). The owner of a lot, parcel, or tract of land claiming an exempt split as defined in Section 3(f) of this Ordinance shall submit to the Zoning Administrator either a survey map of the land claimed to be an exempt split prepared pursuant to the survey map requirements of Act 132 of the Public Acts of 1970, as amended, certified by a land surveyor licensed by the State of Michigan, or other clear evidence documenting that the proposed exempt split of a parcel or

tract of land will not result in one (1) or more parcels of less than forty (40) acres or the equivalent. In addition, the owner of a lot, parcel, or tract of land claiming an exempt split shall submit to the Zoning Administrator evidence that each lot, parcel, or tract of land resulting from the proposed exempt split are accessible, as defined in this Ordinance. If the Zoning Administrator finds that the proposed division is an exempt split and that each new lot, parcel, or tract of land that will result from the division is accessible, then no further action under this Ordinance shall be required. If the Zoning Administrator finds that the proposed division is either not an exempt split or that each new lot, parcel, or tract of land that will result from the division is not accessible, then he or she shall give the owner written reasons for his or her decision. In that event the owner shall be required to proceed under Section 5 of this Ordinance to obtain approval of the proposed division. If the owner disagrees with the Zoning Administrator's decision, the owner can submit revised information to the Zoning Administrator or appeal the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 8 of this Ordinance.

- (c). In addition, an exempt split or other partitioning or splitting of a parcel or tract of land that only results in parcels of twenty (20) acres or more in size is not subject to approval under this Ordinance if the parcel or tract of land being partitioned or split is not accessible and was in existence on March 31, 1997 or resulted from an exempt split or a partitioning or splitting under Section 109b of the Land Division Act, as amended.

Section 5. Procedure for Division or Property Transfer.

The following procedure shall be followed to divide a lot, parcel or tract of land or to effect a property transfer:

- (a). Because of the many requirements that must be met to obtain approval to divide a lot, parcel, or tract of land, or to effect a property transfer, an Applicant may request an informal meeting with the Zoning Administrator to discuss the application procedures prior to submitting a formal application under Section 6(b) of this Ordinance. At this informal meeting the Applicant and the Zoning Administrator shall review the proposed division or property transfer, discuss the information that must be submitted with the application, and review the standards the Planning Commission will use to render its decision on the application. Nothing stated by the Zoning Administrator during this informal meeting shall be construed as limiting in any way the duty of the Zoning Administrator to independently review, consider, and decide an application based on the information actually submitted with the application.
- (b). When formal approval of a division or property transfer is desired, the Applicant shall submit an application for that approval to the Zoning Administrator on a form supplied by the township for that purpose. The application shall include, but not be limited to the following:
 - (1). Proof of ownership of the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer.
 - (2). The names and addresses of all persons having an interest in the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer and a statement of the type of interest each holds.

- (3). The history of the prior divisions of the parent parcel or tract of land from which the Applicant's parcel or tract of land came and proof that the Applicant holds the right to divide the parcel or tract of land proposed for division.
- (4). A survey map of the land proposed to be divided or the land involved in the property transfer prepared pursuant to the survey map requirements of Act 132 of the Public Acts of 1970, as amended, certified by a land surveyor licensed by the State of Michigan and depicting the dimensions of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, the dimensions of the lots, parcels, or tracts of land that will result from the division or property transfer, the location of all current easements on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer, and the location of all proposed easements on the lots, parcels or tracts of land that will result from the division or property transfer. The easements required by this subsection shall include both utility easements and ingress/egress easements. The survey shall also depict all buildings and structures on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer and the distances between these buildings and structures and the original property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer and shall depict the distances between these buildings and structures and the property lines of the lots, parcels, or tracts of land that will result from the division or property transfer. The Parcel Division Committee may waive the survey map requirement if it finds that, considering the size, simple nature of the division or property transfer, the undeveloped character of the parent parcel, or that the proposed division of a tract of land will be along preexisting and recorded lot or parcel boundaries, a survey map is not needed to determine compliance with this Ordinance and the Land Division Act, as amended. If a survey map is not required, then the Applicant shall submit a tentative parcel map which shall be a scale drawing showing the approximate dimensions of the parcels, the parcel lines, public utility easements, accessibility, and other evidence establishing compliance with the approval standards of this Ordinance.
- (5). A map showing the location of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer within the township.
- (6). Legal descriptions, certified by a land surveyor licensed by the State of Michigan, of the lots, parcels, or tracts of land that will result from the division or property transfer.
- (7). If the lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then the Applicant shall submit a permit or other documentation from the state transportation department or the Charlevoix County Road Commission, **or the village or city** that each such resulting lot, parcel, or tract of land is accessible. In addition, if the lot, parcel, or tract of land that will result from the division or property transfer will be a development site, the Applicant shall submit evidence establishing adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
- (8). A brief statement as to the purpose of the proposed division or property transfer and whether the lots, parcels or tracts of land that will result from the division or property transfer are intended as a development site.

- (9). Such other documentation that the Zoning Administrator may require relating to the application.
- (c). The application shall be accompanied by an application fee as established and set forth in a township fee schedule. This fee schedule shall also establish "after the fact" fees that must be paid when an otherwise lawful division or property transfer occurs but without first complying with the procedural requirements of this Ordinance. This "after the fact" fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the township as the result of the Applicant's failure to initially comply with the requirements of this Ordinance.
- (d). After receiving the application and the information required in subsection 5(b) above, the Zoning Administrator shall refer the application to the Planning Commission for its consideration. After receiving the information required in subsection 5(b) above, the Planning Commission shall, within forty-five (45) days, decide whether to approve the proposed division or property transfer. If the Applicant fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete and may be denied on that basis. The Planning Commission's decision to approve the division or property transfer shall be made pursuant to the standards contained in Section 6 of this Ordinance. The Planning Commission may grant conditional approval of an application, subject to the Applicant obtaining any necessary variances from the Zoning Board of Appeals pursuant to Section 7 of this Ordinance. The Planning Commission shall specify in writing the reasons for his or her decision concerning the proposed division or property transfer. If the Planning Commission fails to grant approval of a proposed division or property transfer, the Applicant shall then have the option of resubmitting information for approval to the Planning Commission or appealing the Planning Commission's decision to the Zoning Board of Appeals pursuant to Section 8 of this Ordinance. Any approval or approval with conditions of a division or property transfer shall not be considered a determination that the resulting lots, parcels, or tracts of land comply with any other ordinances or regulations of the township.
- (e). If the Planning Commission approves a proposed division or property transfer, then the Planning Commission shall send a letter indicating such approval to the Applicant with copies to the Melrose Planning Commission and the Charlevoix County Equalization Department. This letter shall contain the following statement: "Pursuant to Section 109a of the Land Division Act, as amended, Melrose Township, its officers and employees are not liable if a building permit is not issued for a parcel less than one (1) acre in size that resulted from an approved division under the Melrose Township Parcel Division Ordinance." A copy of this letter shall be retained by the Zoning Administrator in his or her official records.
- (f). Because zoning requirements may change over time, any approval of an application for a division or property transfer by the Planning Commission under Section 5(d) above shall expire and a new approval required, unless the Applicant within ninety (90) days from the date of the approval, records in the Charlevoix County Register of Deeds Office an instrument(s) of conveyance or a complete survey, including the legal descriptions for each resulting lot or parcel documenting the division or property transfer and files a copy of that recorded instrument(s) or survey with the Zoning Administrator. If the grantor intends to convey the right to future divisions of the parcel being conveyed, the deed or land contract shall contain the following statement as required by the Land Division Act, as amended: "The grantor grants to the grantee the right to make zero, (insert number), or all division(s) under section 108 of the

Land Division Act, Act No. 288 of the public Acts of 1967." Finally, all deeds and land contracts of unplatted land shall contain the following statement as required by the Land Division Act, as amended: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

Section 6. Standards for Approval of Parcel Divisions or Property Transfers.

An application to divide a lot, parcel, or tract of land, or to effect a property transfer shall be granted when all of the following standards are met:

- (a). The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended.
- (b). The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the Melrose Township Zoning Ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have buildings or structures on them. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance, provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel or, if already nonconforming, will not become more nonconforming.
- (c). Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description and be included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of Sections 108 and 109 of the Land Division Act. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.
- (d). Except for the remainder of the parent parcel or parent tract of land retained by the owner, each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than ten (10) acres, shall have a depth of not more than four (4) times its width as measured under the requirements of the Melrose Township Zoning Ordinance. This standard shall not apply to a property transfer.
- (e). If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
- (f). If the land proposed to be transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Melrose Township Zoning Ordinance, as amended, and this Ordinance, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s), or tract(s) of land.

- (g). Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible.
- (h). The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.
- (i). The proposed division does not isolate a cemetery so that it no longer is accessible as defined in this Ordinance. This standard shall not apply to a property transfer.
- (j). The land to be divided complies with one of the following requirements:
 - (1). All property taxes and special assessments due on the parcel or tract subject to the proposed division for the 5 years preceding the date of the application have been paid, as established by a certificate from the Charlevoix County Treasurer. If the date of the application is on or after March 1 and before the Melrose Township Treasurer has made his or her return of current delinquent taxes, the Charlevoix County Treasurer shall include with his or her certification a notation that the return of current delinquent taxes was not available for examination. The Parcel Division Committee, however, shall not disapprove the application because the County Treasurer's certification includes such a notation. The Charlevoix County Treasurer shall collect a fee for a certification under this subdivision in an amount equal to the fee payable under section 1(2) of 1895 PA 161, MCL 48.101, for a certificate relating to the payment of taxes under section 135 of the general property tax act, 1893 PA 206, MCL 211.135.
 - (2). If property taxes or special assessments due on the parcel or tract subject to the proposed division have not been paid, the unpaid property taxes or special assessments have been apportioned by the Township Assessor as provided by section 53 of the general property tax act, 1893 PA 206, MCL 211.53. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the Township Assessor and shall be treated in the same manner as property taxes and special assessments of the year of the original assessment for the purpose of collection and sale for delinquent taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

This standard shall not apply to a property transfer.

Section 7. Land Configuration Variances.

- (a). If a lot, parcel, or tract of land that will result from a division or property transfer does not meet the requirements of the Melrose Township Zoning Ordinance as specified in Section 6(b) of this Ordinance, then the Applicant may seek a variance from those zoning requirements from the Zoning Board of Appeals pursuant to the procedures of the Melrose Township Zoning Ordinance.
- (b). If a lot, parcel, or tract of land that will result from a division does not meet the depth to width requirements of Section 6(d) of this Ordinance, then the Applicant may seek a variance from those requirements from the Zoning Board of Appeals pursuant to the procedures of this section.

- (c). The Zoning Board of Appeals may grant a variance under this Ordinance from the depth to width requirement of Section 6(d) of this Ordinance, if all of the following exist:
- (1). Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions, that do not generally apply to other lots, parcels, or tracts of land in the township.
 - (2). The exceptional or extraordinary circumstances or conditions existing on the parent parcel are not the result of any act or omission by the Applicant or his or her predecessors in title.
 - (3). The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcels, or tracts of land or to the general health, safety, and general welfare of the township.
 - (4). The resulting lots, parcels, or tracts of land with the variance granted shall be compatible with surrounding lots, parcels, or tracts of land.
 - (5). The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.
- (d). The Zoning Board of Appeals shall follow the procedures of the Melrose Township Zoning Ordinance relating to variances when deciding whether to grant a variance under this section.
- (e). In granting any variance under this Ordinance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order to ensure that the lot, parcel, or tract of land that will result from the division or property transfer complies with the variance granted under this Ordinance. Violations of such conditions and safeguards shall be deemed a violation of this Ordinance, punishable under Section 9 of this Ordinance.

Section 8. Appeals to the Zoning Board of Appeals.

Any person aggrieved by a decision of the Zoning Administrator or Planning Commission may appeal that decision to the Zoning Board of Appeals following the procedures of the Melrose Township Zoning Ordinance, as amended, for appeals to the Zoning Board of Appeals. Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken. During the appeal, the Zoning Board of Appeals shall conduct a *de novo* hearing of the matter and to that end shall have all the powers of the Planning Commission. In rendering its decision, the Zoning Board of Appeals shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within a reasonable period of time after receiving all evidence and data in the case. The decision of the Zoning Board of Appeals shall then be sent promptly to the Applicant, to the person who filed the appeal (if different than the Applicant), and to the Township Assessor and Zoning Administrator.

Section 9. Violations and Penalties.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five

Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 10. Enforcement Officer.

The Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 11. Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 12. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 13. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 14. Repeal.

The prior Melrose Township Parcel Division Ordinance, being Ordinance No. 2 of 1999, is hereby repealed in its entirety.

Section 15. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 2 was adopted on the 9th day of November, 2021, by the Melrose Township Board as follows:

Motion by: S. Burr

Seconded by: M.P. Goldich

Yeas: 5

Nays: 0

Absent: 0

Robin Hissong Berry, Clerk

Vern Goodwin, Supervisor

I certify that this is a true copy of Ordinance No. 2 that was adopted at a regular meeting of the Melrose Township Board on November, 2021 and published in the Petoskey News Review on November 17, 2021.

Dated: November 11, 2021

Robin Hissong Berry, Clerk