

Melrose Township

CHARLEVOIX COUNTY

Ordinance No. 1 of 2013

AN ORDINANCE TO AMEND THE MELROSE TOWNSHIP ZONING ORDINANCE BY REVISING THE PROCEDURES FOR LAND DIVISIONS AND PROPERTY RECONFIGURATIONS.

THE TOWNSHIP OF MELROSE ORDAINS:

SECTION 1. AMEND ARTICLE IV OF THE MELROSE TOWNSHIP ZONING ORDINANCE, BY REPLACING SECTION 4.24 WITH THE FOLLOWING:

Section 4.24 – Land Division And Property Reconfigurations

It is unlawful for a land owner or applicant to transfer property between two 2 or more adjacent lots or parcels, to further divide any lot or outlot pursuant to Section 253 of Act 288, Michigan Public Acts of 1967, as amended, or to divide any parcel or tract of land not resulting in a subdivision as defined by Section 102 of said Act, except in accordance with the following procedure:

- A) The applicant shall submit a sketch to the Zoning Administrator for his examination. The sketch shall contain the approximate dimensions of the parcel, tract, lot or outlot to be divided and/or reconfigured along with dimensions of the resulting parcels, tracts, lots or outlots, together with such information as is necessary to determine its location within the Township.
- B) The Zoning Administrator shall tentatively determine whether the proposed divisions and/or reconfigurations comply with the applicable provisions of Act 288, Michigan Public Acts of 1967, as amended, and that the resultant parcels, tracts, lots or outlots comply with the applicable provisions of said Act and the Melrose Township Zoning Ordinance.
- C) The Zoning Administrator shall tentatively approve or disapprove the land division and/or property reconfiguration.
- D) Upon tentative approval of the proposed division and/or reconfiguration, the applicant shall furnish to the Zoning Administrator, who shall share and discuss with the Township Supervisor, the following information pursuant to final approval:
 - 1) A survey certified by a registered land surveyor showing the dimensions of the parcel, tract, lot or outlot to be divided and/or reconfigured and dimensions of the resulting parcels, tracts, lots or outlots. Each survey shall also show all buildings, easements, wells and septic facilities as located from all existing and proposed lot lines;
 - 2) 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 evidence that

- each such resulting lot, parcel, or tract of land is accessible and shall have adequate easements for existing public facilities.
- 3) Legal descriptions certified by a registered land surveyor of the resulting parcels, tracts, lots or outlots;
 - 4) Such other documentation the County and/or Township may require pertaining to the proposed division and/or transfer.
- E) If not approved, the applicant shall have the option of appealing to the Township Zoning Board of Appeals.
- F) All subdivisions of land in a recorded plat or subdivision, within the Township, shall be approved by the Township Board with a recommendation from the Township Planning Commission.
- G) Upon approval, the Zoning Administrator shall send a letter indicating such approval, to the applicant, with copies to the Charlevoix County Equalization Department and Melrose Township Assessor. This letter shall contain the following statement: "Pursuant to Section 109a of the State Land Division Act, as amended, Melrose Township, its officers and employees are not liable if a building permit is not issued for a parcel of less than one (1) acre in size that resulted from an approved division under Section 4.24 (Land Divisions and Property Transfers) of the Melrose Township Zoning Ordinance."
- H) Because zoning requirements may change over time, any approval of an application for a division or property transfer under Section 4.24 D) above shall expire and a new approval shall be required, unless the applicant, within ninety (90) days from the date of the approval letter, records in the Charlevoix County Register of Deeds Office an instrument of conveyance documenting the division and/or reconfiguration, and files a copy of that recorded instrument(s) with the Melrose Township Zoning Administrator.

SECTION 2. SEVERABILITY

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

SECTION 3. 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 of 2013 was adopted on the 10th day of December, 2013, by the Melrose Township Board of Trustees as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent: Robin Hissong Berry

, Deputy Clerk

Vern Goodwin, Supervisor

Adopted: December 10, 2013

Publication Date:

Effective Date:

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