

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 42

(Adopted October 9, 1980)

AN ORDINANCE COVERING DIVISIONS OF LOTS IN THE
RECORDED PLATS.

THE TOWNSHIP OF CHIKAMING ORDAINS:

ARTICLE I

Ordinance No. 18 adopted March 5, 1970, shall be repealed in its entirety upon the effective date of this ordinance.

ARTICLE II

The division of a lot, out lot, or parcel of land in a recorded plat in Chikaming Township is prohibited, unless approved by the Township Board of Chikaming Township following application to said Board for such approval. No lot, out lot, or parcel of land in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall not be less in area than permitted by any Township Zoning Ordinance, Building Ordinance or Section 186 of Act 288 of the Public Acts of 1967, as amended, being the Sub-Division Control Act of 1967 or any other applicable law, ordinance, or regulation, whichever is the more restrictive. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board.

ARTICLE III

Application for the division of a lot, out lot or any parcel of land in a

recorded plat in the Township shall be made to the Township Board. The application shall be subscribed and sworn to by the applicant and shall contain the following:

1. A statement of the reason for the proposed division.
2. A clearly legible and accurate drawing, to scale, showing:
 - a. The dimensions and description of:
 - (1) The entire lot in question, and;
 - (2) Each lot or part of a lot resulting from the proposed division;
 - b. The set back line for the lot;
 - c. The location of all existing buildings upon the lot;
 - d. The side yard width and rear yard depth, in feet, for any lot on which there is any existing building.
 - e. If the property is in area serviced by Township water and/or sewer service, the location of the water line(s) and sewer line(s), the points of connection to the respective mains, and the points of connection to any structures located upon the property.

The Township Board shall not consider any application that is not in required form or does not contain the required information. Upon receipt of the application the Board shall refer the application to the Township Planning Commission. The Planning Commission shall review the application at its next regular or special meeting. The Commission shall then return the application to the Board together with its recommendation as to what action should be taken and a statement of the basis for the recommendation. The recommendation shall be advisory only and shall not be binding upon the Board. The Board shall review the application and the recommendation of the Planning Commission and then either grant or deny the requested split.

ARTICLE IV.

The division of a lot, out lot or parcel of land in a recorded plat resulting in a smaller area than prescribed herein may be permitted after prior approval by the Township Board for the purposes of adding to an existing building site or sites or for any other use that is not or is not likely to contravene any existing Township Zoning Ordinance, Building Ordinance, or State statute and is not or would not result in crowding, congestion or contribute unduly to problems of public health, sanitation and general welfare. No division of a lot, out lot or parcel of land in a recorded plat not serviced by both public water and public sewer systems shall be approved by the Township Board if the resulting lots, out lots or parcels of land are less than the minimum width or area provided for in the Subdivision Control Act of 1967. No division of a lot, out lot or parcel of land in a recorded plat shall be approved by the Township Board unless separate water meters and connections have been installed to serve each lot resulting from the split on which there is a structure receiving Township Water at the time of the request. No division of a lot, out lot or parcel of land in a recorded plat shall be approved by the Township Board where the property is in area served by the Township Water System and the division will result in one or more unimproved lots, out lots, or parcels of land, unless arrangements satisfactory to the Township Board have been made with the Township to provide separate water service to each lot, out lot, or parcel of land at the time any improvement is placed thereon. No division of a lot, out lot or parcel of land in a recorded plat, in an area serviced by the Chikaming Township Sanitary Sewer System shall be approved by the Board unless the person seeking the split:

- (1) Agrees in writing to provide written notice, in a form acceptable to the Board, to any buyer of the property involved in the split, informing the buyer that the Township is not responsible for the installation, maintenance, repair or replacement

of a sanitary sewer line not located in a street or sanitary sewer easement right-of-way, and that a copy of said notice, signed by the buyer or prospective buyer shall accompany any sales contract, deed or other document presented for filing at the office of the Berrien County Register of Deeds; or,

(2) In the case of a split which will result in three or more lots, has complied with Chikaming Township Ordinance No. 40, Section 2.02.

ARTICLE V

The Board shall notify, in writing, the person seeking the split of the Board's decision. If the application is denied, the notice shall state the facts upon which the Board based its decision. Any person whose application for division of any lot in a recorded plat is denied shall have the right to appeal to any Court of competent jurisdiction.

ARTICLE VI

The approval by the Township Board of the division of any lot, out lot, or parcel of land in any recorded plat shall be contingent upon an agreement in writing by the applicant that any sales contract, deed or other document presented for recording at the office of the Berrien County Register of Deeds shall be accompanied by a copy of the written approval thereof by the Township Board or its duly authorized representatives, and any other document required to be filed by this Ordinance.

ARTICLE VII

All ordinances or parts of ordinances of the Township of Chikaming inconsistent with the provisions of this ordinance are to the extent of such inconsistency hereby repealed.

ARTICLE VIII

This ordinance shall be in effect in the Township of Chikaming immediately after publication thereof.

Adopted by the Township Board of the Township of Chikaming this 9th day of October, 1980.

Jeanne Dudeck
Jeanne Dudeck, Clerk
Chikaming Township

Attest:

Dennis E. Scheer
Dennis E. Scheer, Supervisor
Chikaming Township

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance 42 duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan at a regular meeting held on the 9th day of October, 1980.

I further certify that Jack Gibson moved the adoption of said Ordinance and Virginia Sperry supported said motion. The names of the members of the Township Board and their vote on the foregoing Ordinance were as follows:

	YES	NO
Gibson	<u>X</u>	_____
Sandtveit	<u>X</u>	_____
Sperry	<u>X</u>	_____
Dudeck	<u>X</u>	_____
Scheer	<u>X</u>	_____

I further certify that the aforesaid Ordinance was recorded in the Ordinance Book of the Township of Chikaming on the 9th day of October, 1980, and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

I further certify the foregoing Ordinance was published in full in the Galien River Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 16th day of October, 1980.

Date: October 9, 1980

Jeanne Dudeck
Jeanne Dudeck, Clerk
Chikaming Township