

**VILLAGE OF BERRIEN SPRINGS
ORDINANCE NUMBER 383**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, VILLAGE OF BERRIEN SPRINGS, APPENDIX B TITLED "ZONING" TO ADD SECTION 15.22, LOT SPLITS

NOW THEREFORE, The Village of Berrien Springs ordains:

Section 1. Appendix B, titled "Zoning", Article XV titled "General Provisions" shall be amended to add a new section 15.22, titled, "Lot Splits" to read as follows::

Section 15.22 Lot Splits.

- (a) Only upon resolution adopted by the village council, land may be partitioned or divided into not more than four parts, provided that the resulting lots or parcels or combinations of prorations of divided lots shall not be less in width or size than the more restrictive of the sections of this chapter or other village zoning ordinances and provided, further that such resulting lots shall each have a minimum frontage required, unless a variance is granted and shall also have access to public utilities necessary or required to service such lot. All such resulting lots shall conform in all particulars to the requirements of all sections of this Code and village ordinances. This action is also contingent upon water and sewer benefits being added to the new description. However portions or parts of a lot or land may be divided or partitioned off with less than the required frontage, provided those portions or parts are added to adjoining properties and provided, further, that the remaining lot or land has not less than the required frontage.

- (b) A written request shall be submitted by the owner or purchaser holding a purchase agreement to the village building official/zoning administrator for placement on the agenda of a village council meeting to seek a lot split. The request shall include the following information:
 - (1) A description of the use of the property under consideration.
 - (2) The legal description of the property before the requested change and a legal description after the requested change, if the request is approved.
 - (3) A plot plan or plat clearly identifying the property in relation to surrounding parcels, streets, and boundaries. The setback, side yard and rear yard dimensions shall be shown if there are existing buildings. Parking spaces plus ingress and egress drives shall be included for commercial or industrial property. The building official/zoning administrator may require that this plot plan or plat be prepared and sealed by a state-registered land surveyor or engineer.
 - (4) The existing and proposed location of public utilities.

(5) Proof of ownership or purchase agreement.

- (c) The village shall notify all property owners and occupants within 300 feet of the parcel in question and shall hold a public hearing on the request for a lot split at the meeting specified in this section. Thereafter, the village council shall modify and act on the request or shall hold further public hearings prior to final action.
- (d) The applicant or designated representative should attend the public hearing and village council meeting to answer any questions that may arise.
(Ord. No. 238, art. IX, § N, 10-2-1989)

Section 2. This Ordinance in its various parts, sections and clauses are hereby declared severable. If any part, section or clause is adjudged unconstitutional or otherwise legally invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

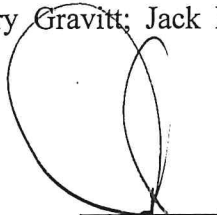
Section 4. This Ordinance shall take effect immediately after the date of adoption and publication.

The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

YEAS: Roll call vote: Sheila Snyder; Barry Gravitt; Jack Davis; Lonna Johnson; President Jesse Hibler.


NAYS: None.

Dated: November 15, 2021



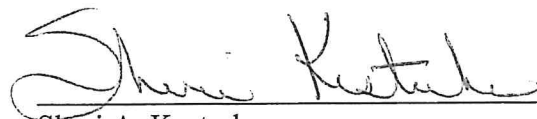
Jesse Hibler, Village President

Ordinance declared adopted:



Sheri A. Kesterke, Village Clerk

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the *Journal Era*, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 17th day of November, 2021.



Sheri A. Kesterke