

**TOWNSHIP OF CHIKAMING  
BERRIEN COUNTY, MICHIGAN**

**ORDINANCE NO. 158**

Adopted: April 11, 2024

**AN ORDINANCE TO AMEND ORDINANCE NO. 144 OF CHIKAMING TOWNSHIP ENTITLED: AN ORDINANCE TO ESTABLISH COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF CHIKAMING, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006 AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.**

**THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:**

Section 1.

The official zoning map of Chikaming Township, as provided for by Article 1 of the Chikaming Township Zoning Ordinance, is changed and amended to provide the following described parcels of land are zoned **R-1 Single Family Residential District**:

Lots 21, 22 and 23, Woodlawn Beach, Chikaming Township, Berrien County, Michigan according to the Plat thereof recorded in Liber 10 of Plats, pages 39 and 40.

That part of the fractional Southwest Quarter of fractional Section 3, Township 7 South, Range 20 West, Chikaming Township, Berrien County, Michigan, described as beginning at the most Westerly corner of Lot 4, Woodlawn Beach, as recorded in Liber 10 of Plats on page 39; thence South 53° 12' 35" West 47.40 feet; thence North 50° 47' 25" West, 27.70 feet; thence South. 57° 19' 35" West, 5.30 feet to the place of beginning of the land herein described; thence South 12° 50' 10" East, 218.50 feet; thence North 75° 56' 40" West, 42.88 feet; thence North 17° 43' 05" West, 166.00 feet; thence North 42° 55' East, 12.03 feet; thence North 51° 00' West, 244.41 feet; thence North 39° 00' East, at right angles, 50.00 feet; thence South 51° 00' East, 249.44 feet to the place beginning.

A parcel of land in the Southwest fractional Quarter of Section 3, Township 7 South, Range 20 West, Chikaming Township, Berrien County, Michigan, described as: Commencing at a point on the South line of said Section that is 1887.8 feet West of the South Quarter post of said Section 3; thence North 41 degrees 58 minutes East 858.4 feet; thence North 08 degrees 02 minutes West 126.6 feet; thence North 25 degrees 33 minutes East 497.5 feet; then North 60 degrees 40 minutes West 72.6 feet; thence South 37 degrees 10 minutes West 524.4 feet; thence South 54 degrees 22 minutes West 81.1 feet; thence South 32 degrees 23 minutes West 60.2 feet to the place of beginning of the land herein described; then South 32 degrees 23 minutes West 100 feet; thence North 48 degrees 02 minutes West 140.5 feet; thence North 32 degrees 23 minutes East 100 feet; thence South 48 degrees 02 minutes West 140.5 feet to the place of beginning.

Part of sections 3 and 10, Township 7 South, Range 20 West described as follows: Commencing at a point on the South line of said Section 3 that is 2200.6 feet west of the South Quarter post of said Section; thence South 47 degrees 46 minutes East 61.6 feet; thence North 47 degrees 46 minutes West 10.0 feet to the point of beginning of the parcel of land herein described; thence South 47 degrees 46 minutes East 114.0 feet; thence North 48 degrees 18 minutes East 349.2 feet; thence North 48 degrees 02 minutes West 60.0 feet; thence South 48 degrees 18 minutes West 100.6 feet; thence North 48 degrees 02 minutes

West 144.0 feet; thence South 21 degrees 35 minutes West 117.7 feet; thence South 32 degrees 52 minutes West 140.0 feet to the place of beginning.

**Excepting** therefrom commencing at the South Corner of said Section 3; thence West on the South line of said Section 3 a distance of 2200.60 feet; thence South 47 degrees 46 minutes 00 seconds East 51.6 feet to the point of beginning of the land herein described; thence North 32 degrees 52 minutes 00 seconds East 140 feet; thence South 48 degrees 02 minutes 00 seconds East 151.71 feet; thence South 48 degrees 18 minutes 00 seconds West 114.0 feet to the point of beginning.

Lots 12, 13 and 14, Birchwood, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded July 2, 1930, in Liber 9 of Plats, page 7.

Part of Lots 7 and 11, Birchwood, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded July 2, 1930, in Liber 9 of Plats, page 7, commencing at the Northwesterly corner of Lot 11, thence North 49 degrees 56 minutes 15 seconds West, along the Westerly line Lot 7, 31 feet; thence South 70 degrees 47 minutes West, 28.9 feet to the Southerly line of Birchwood Court (now called Poet's Path); thence North 42 degrees 07 minutes 25 seconds East, 73.4 feet; thence North 47 degrees 53 minutes 35 seconds West, 10.85 feet; thence North 42 degrees 22 minutes East, 89.5 feet; thence South 47 degrees 45 minutes East, 107.2 feet; thence South 41 degrees 15 minutes West, 82.9 feet; thence South 24 degrees 05 minutes West, 63.45 feet; thence South 0 degrees West, 49.7 feet to the Westerly line of Lot 11; thence North 22 degrees West, 111.3 feet to the place of beginning.

Part of Lot 11 and the portion of Dune Road (now vacated), Birchwood, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded July 2, 1930, in Liber 9 of Plats, page 7, described as: Beginning at a point on the Northeasterly line of Birchwood Drive that is North 6 degrees 16 minutes West, 13.6 feet from the Westerly corner of Lot 40 in said Plat, said corner being the intersection of the Southeasterly line of Dune Road (now vacated) and the Northeasterly line of Birchwood Drive in said Plat; then North 09 degrees East, 85.2 feet; thence North 24 degrees 05 minutes East, 56.5 feet; thence North 41 degrees 15 minutes East, 48.6 feet; thence South 47 degrees 45 minutes East, 48.9; thence South 39 degrees 15 minutes East, 28.4 feet, all along the Southeasterly and Southwesterly lines of a private road to a point on the line between said Lot 40 and Dune Road (now vacated) that is South 42 degrees 15 minutes West, 40.3 feet from the Northerly corner of said Lot 40; thence North 42 degrees 15 minutes East along the line between the Lots 40 and 41 and Dune Road (now vacated) 70.3 feet; thence North 39 degrees 15 minutes West, 25.5 feet to the line between Lot 8 and Dune Road (now vacated), then South 42 degrees 15 minutes West, 30 feet to the Easterly corner of said Lot 11; thence North 47 degrees 45 minutes West, along the line between Lots 8 and 11 in said Plat, 77.5 feet; thence South 41 degrees 15 minutes West, 92.9 feet; thence South 24 degrees 05 minutes West, 63.45 feet; thence South 09 degrees West, 81.9 feet all along the Westerly line of a private road to a point on the Northeasterly line of Birchwood Drive that is North 66 degrees 16 minutes West, 13.5 feet from the Southerly corner of Lot 12; thence South 66 degrees 16 minutes East, along the Northeasterly line of Birchwood Drive, 25.85 feet to the place of beginning,

**Except** that part of this description located in Lot 12, Birchwood.

All that part of Lot 11, Birchwood, Chikaming Township, Berrien County, Michigan according to the Plat thereof, recorded July 2nd, 1930, in Liber 9 of Plats, page 7, and all that part of Dune Road (now vacated) in said Plat of Birchwood, which is described as beginning at the Westerly corner of Lot 40, of said Plat, said corner being the intersection of the Southeasterly line of Dune Road (now vacated) and the Northeasterly line of Birchwood Drive in said plat; thence North 66 degrees 16 minutes West, along said Northeasterly line of Birchwood Drive, 13.6 feet; thence North 09 degrees East, 85.2 feet; thence North 24 degrees 05 minutes East, 56.5 feet; thence North 41 degrees 15 minutes East, 48.6 feet; thence South 47 degrees 45 minutes East, 48.9 feet; thence South 39 degrees 15 minutes East, 28.4 feet, all along the Southeasterly and Southwesterly lines of a private road to a point on the line between said Lot 40 and Dune Road (now vacated) that is South 42 degrees 15 minutes West 40.3 feet from the corner between Lots 40 and 41 on

Dune Road (now vacated); thence South 42 degrees 15 minutes West, along said line between Lot 40 and Dune Road (now vacated), 166.3 feet to the place of beginning.

That part of the Southwest fractional Quarter of Section 9, Township 7 South, Range 20 West, Chikaming Township, Berrien County, Michigan, described as follows, to-wit: - Commencing at the Southwest corner of the Southeast Quarter of the Southwest fractional Quarter of said Section 9; thence North 7 degrees 55 minutes East, 255.97 feet to the place of beginning of the parcel of land herein described; thence North 40 degrees West, 184.35 feet; thence North 74 degrees 07 minutes East, 120.35 feet; thence South 42 degrees 35 minutes East, 46.62 feet; thence around a 140-foot radius curve to the right, a chord distance of South 25 degrees 34 minutes East, 80 feet; thence around a 68-foot radius curve to the left, a chord distance South 28 degrees 24 minutes East, 45 feet; thence around an 80-foot radius curve to the right, a chord distance of South 41 degrees 01 minute East, 7 feet; thence South 76 degrees 01 minutes West, 93.92 feet to the place of beginning.

Part of the Southeast quarter of Section 19, Township 7 South, Range 20 West, Chikaming Township, Berrien County, Michigan, described as beginning on the centerline of Lake Shore Road that is 1765.99 feet (recorded 1788.00 feet) North of the South line of said Section 19, and 1962.05 feet (recorded 1933.00 feet) West of the Southeast corner of said Section 19; thence North 44 degrees 49 minutes 30 seconds West (recorded North 46 degrees 06 minutes West) 343.83 feet; thence North 45 degrees 11 minutes 53 seconds East 107.34; thence South 44 degrees 48 minutes 10 seconds East (recorded South 46 degrees 06 minutes East) 330.86 feet to said centerline; thence South 38 degrees 17 minutes 58 seconds West, on said centerline 107.99 feet (recorded South 34 degrees 00 minutes West 109.00 feet) to the place of beginning.

That part of the Southwest fractional Quarter of fractional Section 19, Township 7 South, Range 20 West, Chikaming Township, Berrien County, Michigan, described as follows: Commencing at the Southeast corner of said Section 19, thence West on the South Line of Said Section 19, 1933.00 feet; thence North, perpendicular to said South line, 1788.00 feet; thence South 39 degrees 04 minutes 14 seconds West, 153.49 feet (deeded South 34 degrees West 117.00 feet); thence South 38 degrees 11 minutes 42 seconds West (deeded South 34 degrees West) 141.40 feet; thence North 45 degrees 37 minutes 42 seconds West, 212.28 feet to the place of beginning of the parcel of land herein described thence North 45 degrees 37 minutes 42 seconds West, 63 feet; thence South 40 degrees West, 95.57 feet; thence South 45 degrees 37 minutes 42 seconds East, 63 feet; thence North 40 degrees East, 95.57 feet to the place of beginning.

That part of the Southwest Quarter of Section 17, Township 7 South, Range 20 West, and the Northwest Quarter of Section 20, Township 7 South, Range 20 West, Chikaming Township, Berrien County, Michigan, described as follows, to-wit: - Commencing at the North Quarter corner of said Section 20; thence West, along the North line of said Section, 503.5 feet to the centerline of Lakeshore Road; thence South 58 degrees 12 minutes West, along said centerline, 669.02 feet; thence North 59 degrees 24 minutes West, 494.99 feet; thence North 63 degrees 07 minutes West, 120.00 feet to the place of beginning of the parcel of land herein described; thence North 63 degrees 07 minutes West, 50.00 feet; thence North 56 degrees 01 minute West, 82.70 feet; thence South 39 degrees 19 minutes West, 121.00 feet; thence South 58 degrees 54 minutes East, 70.00 feet; thence North 64 degrees 52 feet East, 143.44 feet to the place of beginning.

Unit Nos. 1, 2, 3 and 4, ERIN GO BRAGH Condominium, Chikaming Township, Berrien County, Michigan, according to the Master Deed recorded in Liber 139 of Condominiums, page 1, as amended, and designated as Berrien County Condominium Subdivision Plan No. 139.

Part of Lot 27, Block 2, Gowdy's Beach, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded November 26, 1901 in Liber 4 of Plats, page 1, described as follows: Commencing at the Southwest corner of said Lot 27; thence North 58 degrees 5 minutes East, 42.5 feet; thence North 32 degrees 25 minutes West, 100 feet; thence South 58 degrees 5 minutes West, 42.5 feet; thence South 32 degrees 25 minutes East, 100 feet to the place of beginning.

Part of Lots 27 and 28, Block 2, Gowdy's Beach, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded November 26, 1901 in Liber 4 of Plats, page 1, described as follows: Commencing 42.5 feet North 58 degrees 05 minutes East of the Southwest corner of Lot 27; thence North 58 degrees 05 minutes East, 42.5 feet; thence North 32 degrees 25 minutes West, 100 feet; thence South 58 degrees 05 minutes West, 42.5 feet; thence South 32 degrees 25 minutes East 100 feet to the point of beginning.

Part of Lot 30, Block 2, Gowdy's Beach, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded November 26, 1901 in Liber 4 of Plats, page 1, described as follows: Commencing at the Northeast corner of said Block 2, Gowdy's Beach, thence South 58 degrees 05 minutes West, 96.2 feet; thence North 32 degrees 25 minutes West, 100 feet, thence North 58 degrees 05 minutes East, 44.3 feet; thence South 59 degrees 45 minutes East, 113 feet to the place of beginning.

That part of Lots 28 and 29, Block 2, Gowdy's Beach, in Section 25, Township 7 South, Range 21 West, Chikaming Township, Berrien County, Michigan, according to the Plat thereof, recorded November 26, 1901 in Liber 4 of Plats, page 1, described as follows, to-wit: - Commencing 103 feet North 58 degrees 5 minutes East of the Southwest corner of Lot 27, Block 2, said Gowdy's Beach; thence North 58 degrees 5 minutes East, along the Northerly line of Lake Avenue, 100 feet; thence North 32 degrees 25 minutes West, 100 feet; thence South 58 degrees 5 minutes West, 100 feet; thence South 32 degrees 25 minutes East, 100 feet to the place of beginning.

The change shall be made on the Official Zoning Map within fifteen (15) days after the enactment of this Ordinance as provided by Sections 14.01 (B) and 17.05 (C)(5), of the Chikaming Township Zoning Ordinance.

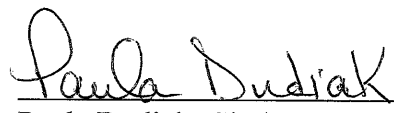
#### Section 2.


Article 4, Schedule of District Regulations, Section 4.03, Yard and Bulk Regulations, Table 4.1, Notes on Table: Note (b), is hereby amended to read as follows:

Porches are defined as having roofs. Decks are defined as not having roofs (see Article 20). Canopies and awnings are not considered roofs. "Landings" are considered decks for purposes of this Ordinance. Except in the case where a landing is required by the Michigan Building/Residential Code and/or accessibility requirements. In such a case, the dimensions of said landing will be determined by the Michigan Building/Residential Code. Porches must meet all setback requirements for the principal building. Decks and landings may encroach into the required front setback by not more than 10 feet or 50% of the front yard depth, whichever is smaller, and may encroach into a required rear setback by no more than 50% of the required rear setback. For waterfront yards, the deck may encroach by no more than 50 feet, provided that all other standards of this Ordinance are met.

#### Section 3.

Enactment. The foregoing change and amendment to Ordinance No. 144, the Chikaming Township Zoning Ordinance, was enacted on the 11th day of April, 2024, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 27th day of April, 2024, the same being more than seven (7) days after its publication.

  
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Paula Dudiak, Clerk  
Township of Chikaming

Attest:  
  
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David A. Bunte, Supervisor  
Township of Chikaming


**CERTIFICATION**

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 158, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 11th day of April, 2024. I further certify that Rettig moved the adoption of said ordinance and Sullivan supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Sullivan	<u>  X  </u>	_____	_____	_____
Marske	_____	_____	_____	<u>  X  </u>
Rettig	<u>  X  </u>	_____	_____	_____
Dudiak	<u>  X  </u>	_____	_____	_____
Bunte	<u>  X  </u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the \_\_\_\_ day of April, 2024, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that a notice of adoption of the foregoing ordinance was published in full in the Harbor Country News, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 19th day of April, 2024.

Dated: April 16, 2024

  
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Paula Dudiak, Clerk  
Township of Chikaming