

ARTICLE

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INTRODUCTORY  
PROVISIONS

## Chapter 1.1 • GENERALLY

### Section 1.101 PREAMBLE

An ordinance enacted under Act 110, of the State of Michigan Public Acts of 2006, as amended, to establish zoning districts and land use regulations governing the incorporated portions in the Village of Three Oaks, Berrien County, Michigan; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and its duties and powers; to provide for the administration of this Ordinance including the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance; and, to provide for conflicts with other ordinances or regulations.

### Section 1.102 SHORT TITLE

This Ordinance shall be known and cited as the “Village of Three Oaks Zoning Ordinance,” and shall be referred to herein as the “Ordinance”.

### Section 1.103 PURPOSE

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to develop and preserve the natural beauty and aesthetic quality of the community to the end that property values may be preserved; to encourage the use of lands in accordance with their character and adaptability; to limit the overcrowding of population; to promote adequate air and light; to lessen congestion on the public and private roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements and service; to conform with the most advantageous uses of land, resources and properties within the Village of Three Oaks, Berrien County, Michigan.

### Section 1.104 SEVERABILITY AND VALIDITY

This Ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby. Any clause, sentence, or provision of this Ordinance shall be considered severable from the balance of this Ordinance, and if any clause, sentence or provision shall for any reason be adjudged by any court of competent jurisdiction to be invalid, for any reason, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

Section 1.105 CONFLICTING PROVISIONS

Whenever any section of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the sections of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

In interpreting and applying the sections of this Ordinance, they shall be held to be the minimum or maximum requirements for the promotion of the public safety, health, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the sections of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall control.

Section 1.106 ADOPTION AND EFFECTIVE DATE

- A. **REPEAL OF PRIOR ORDINANCE.** Ordinance No. 152, as amended, entitled "Zoning Ordinance of the Village of Three Oaks" is expressly amended in its entirety and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent they conflict with this Ordinance.
- B. **ADOPTION AND EFFECTIVE DATE.** This Ordinance, which specifically includes the Zoning Map is hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law, and a synopsis of this Ordinance is hereby ordered to be published, in the manner provided by law, in the on \_\_\_\_\_ 2017.

This Ordinance was adopted by the Village Council of the Village of Three Oaks, by authority of Act 110 of the Public Acts of Michigan, 2006, as amended, at a meeting thereof duly called and held on \_\_\_\_\_, 2017, and ordered to be published in the manner provided by law.