

ARTICLE XV GENERAL PROVISIONS

Section 15.01 - Scope of Regulations - Use of Land, Buildings and Structures. No building or land shall be used and no building shall be hereafter erected, structurally altered, or relocated except for one or more of the uses herein permitted within the district in which such building, structure, or land is located or for a use similar to and harmonious with such permitted uses, except as provided in Article XXII, Section 22.01 and Article XXIII, Section 23.03 of this Ordinance.

Section 15.02 - Property Division Requirements. No lot or parcel of land located in the Village of Three Oaks shall be further partitioned or divided unless such partition or division is first approved, pursuant to provisions of the Village of Three Oaks Land Division and/or Subdivision Ordinance, as enacted by the Village Council.

Section 15.03 - Prohibition of Private Roads. No division or partition of an unplatted parcel of real estate shall be approved which results in the creation of a private road, right-of-way or other means of access. The Zoning Board of Appeals may waive this requirement upon the finding that access to the property cannot be provided via a public street or road or upon application for a Cluster Development or Planned Unit Development where ingress/egress to the proposed development is provided by a public street or road and all interior streets remain under ownership of the property owner, condominium association or other owners' association who shall have filed with the Village legally binding documents describing the ownership and financial means for maintenance and repair.

Section 15.04 - Dumping of Rubbish - Recycling Centers. No person, firm or corporation shall operate a recycling center/operation, store, dump, or cause to be dumped, any garbage, tin cans, papers, automobile vehicles or truck bodies or parts, machinery, stoves refrigerators, junk, movable structures, or waste materials of any kind on any land, private or public, situated in the Village of Three Oaks unless such place has been expressly designated as a public dumping ground to receive such materials by the Village Council, commercial composting bins for use by homeowners is not considered dumping or storage under the terms of this section of the ordinance and is expressly permitted.

Section 15.05 - Open Burning Prohibited. Open burning, not otherwise regulated or allowed by Ordinance, is prohibited in any district within the Village of Three Oaks.

Section 15.06 - Hunting, Trapping and Use of Similar Type Equipment Prohibited. Hunting, trapping and other forms of sport hunting activity are expressly prohibited from all zoning districts, including the discharge of firearms, discharge of arrows, setting of any animal traps and siting or weapon siting activity for hunting equipment or any other practices related to the sport.

Section 15.07 - Junk or Inoperable Cars, Trucks or Vehicles. No property owner in any district may maintain, or allow to be maintained, any junk or inoperable cars, trucks, trailers, motorcycles, machinery or other similar equipment or vehicles on the premises. Any vehicle not bearing a valid vehicle registration license plate shall be considered inoperable under the terms of this ordinance.

Section 15.08 - Height Exceptions. The height requirements of all zones, except the Industrial Districts may be exceeded by parapet walls not over four (4) feet in height, chimneys, roof mounted television and radio antennas (excluding cell towers and other communications towers), cupolas, spires or other ornamental projections, or water towers. In the industrial districts, chimneys, cooling and communication towers (when permitted pursuant to Section 23.03 and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line.

Section 15.09 - Each Principal Building Must Conform to District Requirements. Each principal building on a lot must conform to the requirements of the Ordinance which would be applicable of each were located on a separate lot in the same district.

4. Fences shall not exceed four (4) feet in height in the front yard, the area between the front property line and the front building line, and fences located in the side or rear yard behind the front building line of the principal structure shall not exceed six (6) feet in height.
5. Any form of electrified and/or barbed wire, barbwire, or single strand wire fence or barrier is prohibited in all Residential Districts.
6. Barbed wire, barbwire or any form of single strand wire fence or barrier is prohibited in any Commercial or Industrial District except for the installation as cap wires on industrial grade cyclone type fence having a minimum height from ground level of six (6) feet.
7. No fence shall inhibit corner vision requirements of Article XV, Section 15.10.
8. Any fence maintained in violation of this section shall be deemed a hazard to public health and welfare and shall constitute a violation of this Ordinance.

Section 15.15 - Residential Garages, Covered Parking, Parking Pad Required. After the date of adoption of comprehensive zoning ordinance amendment, all residential subdivisions and lot divisions created within any residential zoning district shall provide a minimum of a one car parking enclosure, covered parking space or garage, location of which shall be limited to the side or rear yard, if not incorporated as part of the principal permitted use structure, with adequate on-site access and street ingress as approved by the Zoning Administrator.

Section 15.16 - Parking of Certain Vehicles Prohibited in Residential Districts. Motor vehicles, specifically trucks having with a weight limit in excess of twelve thousand (12,000) pounds gross vehicle weight (GVW) and being greater than eighty (80) inches in height, semi-tractors, tractor trailer combinations or trailers of any kind or type (which shall be operable in accordance with Village ordinance provisions) shall not be parked or stored in any residential zoning district other than in a completely enclosed building.

Section 15.17 - Accessory Use Housing Unit (AUHU). A special use permit may be issued upon the affirmative finding that an application for an AUHU complies with definition of an AUHU and the following requirements:

1. That the application fulfils the definition of an AUHU as set forth in this Ordinance,
2. The zoning lot for which the AUHU special use permit is being requested located in the R-1A and R-1B Residential Zoning Districts,
3. The application requests only one (1) AUHU to be located on the parcel, in addition to the principal residence,
4. The AUHU complies with all setback requirements of the R-A or the 1B Residential Zoning Districts,
5. The AUHU doe not contain more than two (2) bedrooms nor exceed seven hundred and fifty (750) square feet of gross floor area.
6. That the AUHU is 1) attached to the principal residential dwelling structure and contains a separate entryway or 2) a separate detached structure constructed and will be constructed in compliance with the requirements of the Michigan Construction Code,
7. That the site plan shows a minimum of one (1) additional parking space for specific use by the occupants of the AUHU on the zoning lot, and

8. The principal use building and all other accessory use structures located on the zoning lot shall conform with the maximum land coverage ratio requirement as set forth for the zoning district in which the subject property is located.

Section 15.18 - Duplicate Building Types.

Not more than one (1) dwelling of any standardized plan shall be erected in the Village of Three Oaks unless approved by the Planning Commission. A standardized plan is defined as follows:

- A. Where the plan of a house is standardized and remains constant as to width and length.
- B. Where the volume of the house remains practically the same; changes made to a standardized plan where the width and length of the plan and the volume of the house are not substantially changed; shall not be sufficient change to grant a permit.
- C. The adding to or subtracting from a standardized plan of small units such as porches, bay windows, terraces, and other appurtenances, or the changing or varying the slope or type of roof, or location or size of door and window openings, or changing or varying the style or design, or changing or varying the finish color of the exterior walls, shall not be sufficient change to a standardized plan to warrant the granting of a permit for its erection in the Village.

Section 15.19 - Orientation of Overhead Garage Door Openings on Front Elevations of Residential Structures.

All residential dwelling units and garages constructed after the date of adoption of this ordinance shall provide a visual separation in the design of the front facade of the dwelling unit at the point where the residential portion of the front facade meets the front facade of any attached garage. The intent of this requirement is to 1) define a visual "break" in the long continuous facade of any residential structure with an attached garage, 2) prevent the protrusion of the garage portion forward of the front elevation of any residential structure, unless the overhead garage door opening is orientated perpendicular to the front elevation of the residential portion and the primary street.

Unless varied by the Planning Commission during the site plan review process for the approval of any residential subdivision or condominium, the front surface of the garage portion shall be offset to the rear of the facade of the residential portion by a minimum of six (6) inches. In any case where the overhead garage door opening in the front elevation is orientated parallel to the front elevation of the residential portion and the primary street, the same setback requirement shall apply to the any detached garages in which the overhead garage door opening in the front elevation of the garage is orientated parallel to the front elevation of the principal residence and the primary street.

Section 15.20 - Standards For All Exterior Lighting In all Districts

The construction or installation of all new lighting or the replacement, refurbishment or repair of all existing lighting in all zoning districts shall conform to the following standards:

- A. No pole light or wall mounted light shall be installed greater than 17 feet above the ground surface immediately below the bottom surface of the light nor have a maximum light output of 2,300 lumens.
- B. The light fixture shall totally encase the light source (specifically the light bulb, whether incandescent or other) so as to visually shield the light source from view when observed from the property line of the property on which the light is located.
- C. All lighting fixtures shall have downward light directing shields preventing the light source from transmitting no more than 1 foot candle of light onto adjacent property.

Section 15.21 - Placement and Removal of Trash/Garbage Receptacles.

No residential or business operation or activity shall cause to be placed alongside the street any trash, garbage, recycling container, bin or any other receptacle used for the disposal of any matter prior to the evening of the day before a scheduled trash/garbage pick-

up. All trash, garbage or recycling containers, bins or any other receptacle used for the disposal of any matter shall be retrieved from the side of the street or place by sundown on the day of the scheduled garbage/trash pick-up.