

ORDINANCE NUMBER 152

Adopted March 12, 2003 Effective March 24, 2003

VILLAGE OF THREE OAKS ZONING ORDINANCE

An Ordinance 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.

ARTICLE I PREAMBLE AND ENACTMENT

WHEREAS, Act 207, P.A. 1921, P.A. of 1909, and Act 638, P.A. 1978, empowers this municipality to enact, establish, administer and enforce a Zoning Ordinance, and

WHEREAS, the legislative body of the Village of Three Oaks deems it necessary, for the purpose of promoting the public health, safety, and general welfare of the Village to enact such an Ordinance, and

WHEREAS, the legislative body pursuant to the provisions of Act 285, P.A., 1931 as amended, has appointed and created a Village Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein, and

WHEREAS, the Village Planning Commission has divided the municipality into districts and has prepared regulations pertaining to such districts in accordance with a master plan designed to lessen congestion in the streets, to secure safety from fire, panic and other potential dangers; promote health, safety and the general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentrations of population; facilitate adequate provision for transportation, water, sewerage disposal, schools, parks and other public improvements, and

WHEREAS, the Village Planning Commission has given full and reasonable consideration to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Village Planning Commission has given due public notice of hearing related to the comprehensive amendment and has held such public hearings as required by law, and

WHEREAS, the Village Planning Commission has submitted its report to Village Council, and

WHEREAS, all requirements of Act 207, P.A. 1921, as amended and Act 28, P.A. 1931, as amended, with regard to the preparation of this Ordinance and subsequent action of the Village Council have been met.

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF THREE OAKS, BERRIEN COUNTY, MICHIGAN, AS FOLLOWS:

ARTICLE II TITLE AND PURPOSE

Section 1.01 - Title.

This Ordinance shall be known as the “**Village of Three Oaks Zoning Ordinance.**” and will be referred to herein as this Ordinance.

Section 1.02 – 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.

ARTICLE III ZONING DISTRICTS AND MAP

Section 3.01 - Division of Village Into Zoning Districts. For the purpose of this Ordinance, all of the incorporated area of the Village of Three Oaks, Berrien County, Michigan, is hereby divided into the following Zoning Districts:

R-1A and R-1B	Single-Family Residential Districts
R-2	Two-Family Residential District
R-3	Multi-Family Residential District
R-4	Mobile Home Residential District
R-5	Group Home Residential District
C-1	Commercial District
C-2	Central Business District
I-1	Industrial District
CD	Cluster Development (overlay) District
PUD	Planned Unit Development (overlay) District
FP	Floodplain (overlay) District

Section 3.02 - Official Zoning Map. The area assigned to said districts and the boundaries thereof shown upon the map entitled “*Zoning District Map of the Village of Three Oaks*” are hereby established, and said map and all proper notations, references and other information shown thereon are hereby made a part of this Ordinance.

The “*Official Zoning Map*” shall be identified by the signature of the Village President attested to by the Village Clerk under the words: “*This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance ____, of the Village of Three Oaks, Berrien County, Michigan.*”

Section 3.03 - Boundaries of Zoning Districts. Unless otherwise provided in this Ordinance, the boundaries of Zoning Districts shall be interpreted as following along section lines, or lines of customary subdivision of such section; or the right-of-way line of highways, streets, alleys or property lines on record at the office of the Register of Deeds of Berrien County as of the date of enactment of this Ordinance.

All zoning district lines shall commence at the edge of the highway or street right-of-way when measuring the depth of the district and as far as possible, all district lines shall run parallel to the street or highway right-of-way lines.

Section 3.04 - Changes to the Zoning Map. If, in accordance with the provisions of this Ordinance, amendments are made changing the district boundaries or other matter portrayed by the Official Zoning Map, such changes must be made on the Official Zoning Map, together with an entry made thereon as follows: "On this ____ day of _____ 200-, by official action of the Village of Three Oaks (Ordinance Number _____), the following changes were made on the Official Zoning Map: (a brief description of the nature of the change must be inserted)" which entry must be signed by the Village President and attested to by the Village Clerk and must be made promptly after such amendment has been approved by the Village Council.

No changes of any nature may be made on the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this Ordinance. Any unauthorized changes of whatever kind, by any person or persons, will be considered a violation of this Ordinance and punishable as provided in this Ordinance.

Section 3.05 - Official Map - Final Authority. The Official Zoning Map is the final authority as the current status of the land and water areas, buildings and other structures of the Village, regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published.

Section 3.06 - Interpretation of District Boundaries If uncertainty as to the boundary of any district shown on the Zoning Map, the Board of Appeals shall determine the location of such boundaries according to the rules for interpretation of district boundaries established in this Ordinance.

Section 3.07 - Annexed Lands. Any land annexed to or consolidated into the Village will be classified as R-1B until reclassified by an amendment to this Ordinance, unless annexed into the Village pursuant to P.A. 171 of 1958, as amended, providing for the transfer of the current zoning classification.