

## **CHAPTER III**

### **ZONING ORDINANCE FOR THE VILLAGE OF WEYERHAEUSER**

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## CHAPTER III

### ZONING ORDINANCE FOR THE VILLAGE OF WEYERHAEUSER

3.01 This ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of Weyerhaeuser".

3.02 In their interpretation and application, the provisions of this ordinance shall be held to be in the minimum requirements adopted for the promotion of the public health, safety and welfare, the protection of the public and among other purposes, such provisions are intended to provide for safety from fire and other danger and undue concentration of population.

3.03 It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically repealed by this ordinance or with private restrictions placed upon property by covenant, deed or other private agreement or with restrictive covenants running with the land to which the Village is a party. Where this ordinance imposes a greater restriction upon land, buildings or structures than is opposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

3.04 Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense include the future; words in the plural number include the singular; and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

1. "Building" is a structure designed, built or occupied as a sheltered or roofed enclosure for persons, animals or property, including mobile homes, camp cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

2. "Building line" is the line between which and the street line or lot line, no building or other structures or portions thereof, except as provided by this code, may be erected above the grade level. The building line is considered a vertical surface intersecting the ground on such line.

3. "Dwelling" is a building designed or used as the living quarters for one or more families.

4. "Dwelling house" is a detached house designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent house-keeping unit.

5. "Dwelling unit" is one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping and eating.

6. "Lot" is a parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

7. "Nonconforming use" is a building, structure or use of land existing at the time of the enactment of this ordinance which does not conform to the regulations of the district in which it is located.

8. "Street" is a public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

9. "Structure" is anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

3.05 For purposes of this zoning ordinance, there shall be one district which boundaries are concurrent with the Village limits.

#### 3.06 Nonconforming uses.

A. The lawful use of any building, structure or land existing at the time of the enactment of this ordinance may be continued, though such use does not conform with the provisions of this ordinance, provided the following conditions are met:

1. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by proper authority.

2. A nonconforming building or structure may be altered, improved or reconstructed, provided such work is not to an extent exceeding an aggregate cost of 50% of the equalized, assessed value of the building or structure, unless the building or structure is changed to a conforming use.

3. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a

nonconforming building or structure which existed prior to the enactment of this ordinance shall not be deemed to be an extension of such nonconforming use.

4. No nonconforming building, structure or use shall be changed to another nonconforming use.

5. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of such permit and such entire building shall be completed according to plans as filed within nine (9) months from date of this ordinance.

6. That nothing in this ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this ordinance wherein the expense of such work does not exceed 50% of the equalized, assessed value of the building or structure at the time such damage occurred.

7. Nothing in this ordinance shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date of this ordinance rendered necessary by wear and tear, deterioration or depreciation, provided that the cost of such work shall not exceed 50% of the equalized, assessed value of such building or structure at the time such work is done nor prevent compliance with the provisions of any building or housing code relative to the maintenance of buildings or structures.

8. A nonconforming use of a building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

a) When the intent of the owner to discontinue the use is apparent, or

b) When the characteristic equipment and furnishings of the nonconforming use has been removed from the premises and have not been replaced by similar equipment within one (1) year, unless other facts show intentions to resume the nonconforming use, or

c) When it has been replaced by a conforming use.

3.07 Lot sizes. After adoption of this ordinance:

A. Single family dwelling homes, including mobile homes, shall not be erected upon or placed upon any lot which does not have a minimum area of 6200 square feet and which, in addition, has any one boundary which is less than 50 feet in length.

B. Multi family dwelling homes shall not be erected upon any lot which does not have a minimum area of 9000 square feet and which, in addition, has any one boundary which is less than 50 feet in length.

3.08 Set back requirements. After adoption of this ordinance, all single family and multi family dwelling homes and mobile homes shall set back a minimum of \_\_\_\_\_ feet from the front line of the lot upon which the dwelling or mobile home is erected or placed.

3.09 Sewer and water connections. All buildings shall have direct connection with the Village water and sewer systems.

3.10 Mobile Home Ordinance.

A. Definition of mobile home: Any structure originally designed to be capable of transportation by any motor vehicle on a public highway which does not require substantial on sight fabrication and which is intended for occupancy as a year-round residence.

B. A permit and approval of the Village Board shall be obtained for the placement of any mobile home upon any lot in the Village.

C. All mobile homes shall be properly skirted, be properly connected to the Village sewer and water systems and have extremely hazardous weather tiedowns installed within forty-five (45) days of installation.

D. Any person who violates the ordinance pertaining to mobile homes shall, among other penalties, be subject to immediate removal of the mobile home from the Village limits.

3.11 Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than One Hundred and no/100 Dollars (\$100.00) nor more than One Thousand and no/100 Dollars (\$1,000.00) and in default of payment of such forfeiture and costs, be imprisoned in the County Jail until the payment of such forfeiture and costs, for a period not exceeding thirty (30) days for each violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

3.12 If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

3.13 Ordinances repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.