

**Amended** Ordinance No. 83-1  
TOWN OF LAKEWOOD VILLAGE  
ZONING ORDINANCE

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**TOWN OF LAKEWOOD VILLAGE**  
**AMENDED ZONING ORDINANCE 83-01**

**A ZONING ORDINANCE DIVIDING THE AREA WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF LAKEWOOD VILLAGE INTO SECTIONS IN ACCORDANCE WITH THE TOWN-WIDE COMPREHENSIVE PLAN; DEFINING CERTAIN TERMS REGULATING THE LOCATION, SIZE, HEIGHT, BULK AND USE OF BUILDINGS WITHIN SUCH RESPECTIVE SECTIONS; FIXING BUILDING LINES FOR EACH RESPECTIVE SECTION; FIXING THE PERCENTAGE OF ANY LOT OR TRACT OF LAND TO BE OCCUPIED IN THE VARIOUS SECTIONS; REGULATING THE SIZE OF YARDS, COURTS, AND OPEN SPACES IN EACH PARTICULAR SECTION, REGULATING THE DENSITY OF POPULATION, STRUCTURES, BUILDINGS, LANDS, INDUSTRY AND RESIDENCES, IN THE ERECTION, REPAIR AND ALTERNATION OF ALL BUILDINGS, AND STRUCTURES IN EACH PARTICULAR SECTION; ADOPTING A ZONING MAP, MAKING IT A PART OF THIS ORDINANCE; PROVIDE FOR THE LOCATION AND OUTLINE OF ALL SECTIONS ON SAID ZONING MAP AND MAKING ALL FIGURES, LETTERS, MARKINGS AND COLORS ON SAID MAP A PART OF THIS ORDINANCE.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE:

The purpose of this ordinance is to zone the entire area of the Town of Lakewood Village into sections as made provided by Articles 1011-A to and 1011-J of Chapter 4, Title 28 of the Vernon's Annotated Texas Statutes, 1925, as amended, in accordance with a comprehensive plan for the purpose of promoting health, safety, and general welfare of the general public. They have been designed to lessen congestion in the streets; to provide safety from fire, panic, and other dangers; to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to provide and facilitate adequate provisions for transportation, automobile parking, water, sewerage, schools, parks, and other requirements. Said sections have been created with fair and reasonable consideration, among other things, for the character of each particular section and its peculiar suitability for particular uses; and thereby conserve the value of land and buildings in each particular section; and with a view of insuring the harmonious and inappropriate use of all property and to prohibit the inharmonious and inappropriate use of all property and thereby promote the general good and welfare of the public.

In interpreting and applying the provisions of the Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by the Ordinance to interfere with or abrogate or annul any easement, 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 than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provision of this Ordinance shall govern.

**SECTION 1.00**

**SHORT TITLE**

This Ordinance shall be known and be cited as "THE TOWN OF LAKEWOOD VILLAGE ZONING ORDINANCE".

**SECTION 2.00**

**ESTABLISHMENT OF SECTIONS AND BOUNDARIES**

2.01 For the purpose of this Ordinance, the Town is hereby divided into six (6) sections as follows:

- Section 1
- Section 2
- Section 3
- Section 4
- Section 5
- Section 6 – amended per Ordinance 99-03 and 99-04.

2.02 The location and boundaries of this section herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as is fully set forth and described herein. Said Zoning Map, property attested, is on file in the office of the Town Secretary; one (1) copy shall be maintained in the office of the Building Commissioner.

2.03 Rules for the interpretation of Section Boundaries: Where uncertainty exists with respect to the boundaries of any of the aforesaid sections shown on the Zoning Map, the following rules shall apply:

1. Where section boundaries are indicated as approximately following the center lines of the streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
2. Where section boundaries are so dedicated that they approximately follow the lot lines shall be construed to be said boundaries.
3. Where section boundaries are indicated as approximately following parallel to a drainage course, other prominent physical feature or parallel line shall be construed to be said boundaries.
4. Where section boundaries are so indicated that they are approximately parallel to the center lines



Secretary, and bearing the seal of the Town under the following words: "THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 4 OF THE ZONING ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS" TOGETHER WITH THE DATE OF THE ADOPTION OF THIS ORDINANCE.

4.02 If, in accordance with the provisions of the Ordinance and Chapters 1011A through 1011K, revised Civil Statutes of Texas, changes are made in section boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Council, together with an entry on the Official Zoning Map as follows: "ON" (date), BY OFFICIAL ACTION OF THE TOWN COUNCIL, THE FOLLOWING CHANGE/CHANGES WERE MADE IN THE OFFICIAL ZONING MAP: (brief description of the nature of change)", which entry shall be signed by the Mayor and attested by the Town Secretary. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map shall become effective until after such change and entry has been made on said Map.

No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in the ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of the ordinance and punishable as provided under Section 19 of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which shall be located in the office of the Town Secretary, shall be the final authority as current zoning status of land and water areas, buildings, and other structures in the Town.

4.03 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The New Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Secretary, and bearing the seal of the Town under the following words. "THIS IS TO CERTIFY THAT THIS OFFICIAL ZONING MAP SUPERSEDES AND REPLACES THE OFFICIAL ZONING MAP ADOPTED (date of adoption of map being replaced) AS PART OF ORDINANCE NO. \_\_\_\_\_ OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS".

## **SECTION 5.00**

### **ADOPTION OF SCHEDULE USES**

5.01 The schedule of use regulations given below sets forth the allowable use of land and building in each of the classified sections. No land shall hereinafter be used, and no building or structure be erected, altered, or converted which is arranged or designed or used for other than those uses specified for the

section in which it is located. See attached Exhibit "A".

## **SECTION 6.00**

### **PD, PLANNED DEVELOPMENT DISTRICT USES PERMITTED**

- 6.01 The Town Council of the Town of Lakewood Village, Texas, after public hearing and proper notice to all parties affected may authorize the creation of the following types of planned Development Districts:
- a. Shopping Center on tracts of three (3) acres or more.
  - b. Housing development on tracts of three (3) acres or more or a Community Unit Development.
  - c. Industrial Parks or Districts on tracts of ten (10) acres or more.
  - d. Medical Center and Hospital.
  - e. Civic Center and Community Center.
  - f. Officer Center.
  - g. Recreation Center.
  - h. A Combination of any of the developments listed in a. to g.
  - i. Transition Districts as an extension of an existing section whereby the provision of off-street parking, screening walls, open space, and planting would create a protective transition between a lesser or a more restrictive section.
  - j. Home-based business.
- 6.02 In establishing a Planned Development District in accordance with this section, the Town Council shall require a comprehensive site plan of development. Such site plan shall be approved and filed as part of the Ordinance prior to the issuance of any Building Permit in a Planned Development District. Such requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the thoroughfare Plan of the Town of Lakewood Village, sidewalks, utilities, drainage, parking spaces, height of building, maximum lot coverage, yards and open spaces, screening walls or fences, and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property.
- 6.03 Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance as applicable to the property involved. In approving the Planned Development District, the Town Council may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any other structure which shall not be construed as conditions precedent to the granting of a Certificate of Occupancy.
- 6.04 All Planned Development Districts approved in accordance with the provisions of the Ordinance in its original form or by subsequent amendments thereto shall be referenced on the Zoning Section Map and a list of such Planned Development Districts together with the category of uses permitted therein shall be maintained in the Appendix of this Ordinance.

**SECTION 7.00**

**CLASSIFICATION OF NEW AND UNLISTED USES**

7.01 It is recognized that new types of land will develop and forms of land use not anticipated may seek to locate in the Town of Lakewood Village. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The Building Commissioner shall refer to the question concerning any new or listed use to the Town Council requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, and the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated.
2. The Town Council shall consider the nature and decried performance of the proposed use and its compatibility with the uses permitted in the various sections and determine the zoning section within which such use should be permitted.

**SECTION 8.00**

**NEWLY ANNEXED AREAS**

8.01 Hereafter, when the boundaries of the Town of Lakewood Village have been extended so as to include any given area, such area shall be temporarily placed in section 5 and remain there until properly amended by the Town Council.

Whenever any street or alley is vacated, the particular section applying to property fronting on any such street or alley shall automatically be extended to the center line of such street or alley.

**SECTION 9.00**

**ADOPTION OF SCHEDULE OF AREAS, WIDTHS, HEIGHTS, AND BUILDING REQUIREMENTS**

9.01 The schedules of building requirements and yards, as given below, together with all notations, references, and other information shown thereto, shall be as much a part of this Ordinance as any specific requirements or regulation as are fully set forth and described herein and shall be as binding and carry the full force and effect of this Ordinance.

1. Minimum Building Requirement (in square feet per dwelling unit)

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Section One

Minimum of 1500 sq. ft. of ground floor area under roof with not less than 1000 sq. ft. for living use only.

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Section Two  
(Single Family Only)  
Block H Lots 1-6  
Block J Lots 1-12  
Block K Lots 1-11  
Block L Lots 1-5

Minimum of 1800 sq. ft. of ground floor area under roof with not less than 1200 sq. ft. for living use only

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Section Two  
(One & Two Family)  
Block L Lots 6-13  
Block M Lots 1-7  
Block B Lots 38-43

Minimum of 2400 sq. ft. of ground floor area under roof with not less than 1800 sq. ft. for living use only.

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Section Three  
(One & Two Family)  
Block M Lots 8-14

Minimum of 2400 sq. ft. of ground floor area under roof with not less than 1800 sq. ft. for living use only.

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Section Three  
(Single Family Only)  
Block N Lots 1-26

Minimum of 2000 sq. ft. of ground floor area under roof with not less than 1400 sq. ft. for living use only.

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Section Three  
(Single Family Only)  
Block N Lots 27-33  
Block P Lots 1-18  
Block R Lots 1-4

Minimum of 1800 sq. ft. of ground floor area under roof with not less than 1200 sq. ft. for living use only.

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Section Four  
(Single Family Only)

Minimum of 2400 sq. ft. of ground floor area under roof with not less than 1800 sq. ft for living use only.

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Section 5  
(Single Family Only)  
Single Story Residence  
Block A Lots 1-22  
Block B Lots 1-4  
Block C Lots 1-4  
Block D lots 1-12  
Block F lots 3-16

Minimum of 2400 sq. ft. of ground floor area under roof with not less than 2400 sq. ft. for living use. Minimum 12 ft. wide, 6 inch thick concrete driveway within 100 ft of the furthest point of any structure. Minimum ground floor elevation of 540 feet. Wooden shingle roof prohibited

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Section 5  
(Single Family Only)  
Two Story Residence  
Block A Lots 1-34  
Block B Lots 1-4  
Block C Lots 1-16  
Block D Lots 1-13  
Block E Lots 1-20  
Block F Lots 3-16

Minimum of 3000 sq. ft. of on ground floor with not less than 2000 sq. ft. Living area on ground floor. Minimum 12 ft. wide, 6 inch thick concrete driveway within 100 ft. of the furthest point of any structure. Minimum ground floor elevation of 540 feet. Wooden shingle roof prohibited.

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Section 5  
(Single Family Only)  
Single Story  
Block A Lots 23-34  
Block C Lots 5-16  
Block D Lot 13  
Block E Lot 1-20  
Block F Lot 1-2

Minimum 3000 sq. ft. living area ground floor. 12 ft. Wide concrete, 6 inch thick driveway within 100 ft. of the furthest structure. Minimum ground floor elevation of 540 feet. Wooden shingle roof prohibited.

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Section 6

Section 9.01 is amended by amending subsection 1 (“Minimum Building Requirements”) by adding a provision for a new Section 6 (immediately following the provision entitled “Section 5 (Single Family Only) Single Story”) to read as follows:

The minimum lot size requirement for Section 6 shall be ~~one-half (1/2)~~ one (1) acre.

Section 6 (Single Family Only) Single Story Residence	Minimum 2400 square feet of living area. Minimum 10 foot wide concrete, 6 inch thick driveway within 100 ft. of the furthest structure. Minimum ground floor elevation of 540 feet. Wooden shingle roof prohibited.
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Section 6 (Single Family Only) Two Story Residence	Minimum 3000 square feet of living area. Minimum 10 foot wide concrete, 6 inch thick driveway within 100 ft. Of the furthest structure. Minimum ground floor elevation of 540 feet. Wooden shingle roof prohibited.
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**9.02 SPECIAL FRONT YARD REGULATIONS**

1. Where the frontage one side of a street between two intersecting streets divided by two or more zoning sections, the front yard shall comply with the requirements of the most restrictive section for entire frontage.
2. Where a building line has been established by plat or ordinance and such line requires a greater or lesser front yard setback then is prescribed by this Ordinance for the section in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat.
3. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
4. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings have been established along one frontage on the plat or by Ordinance, in which event only one required front yard need be observed.

**SECTION 10.00 HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS**

10.01 Height.

1. The height regulations prescribed herein shall not apply to television and radio tower, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, flag poles, and necessary mechanical appurtenances.

2. Public or semi-public service buildings, hospitals, institutions or school, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and other places of worship may be erected to a height not exceeding seventy-five (75) feet when each of the required yards are increased by one (1) foot for each foot of additional building height above the height regulations for the section in which the building is located.

3. No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time, and whose regulations apply to the area in which the structure is being erected.

## 10.02

### Front Yards.

1. A building setback line of twenty (20) feet, from the property line, shall be maintained on all lots or property located adjacent to any street in Sections 1, 2, 3, 4. A building setback line of thirty (30) feet, from the property line, shall be maintained on all lots or property located adjacent to any street in Sections 5 and 6, as amended on November 14, 2002.

2. Where twenty-five (25) percent or more of the frontage upon the same side of a street between two intersection streets occupied or partially occupied by a building or buildings with front yards of less depth than required by this Ordinance, or where the configuration of the ground is such that conformity with the front yard provisions of this Ordinance would work a hardship, the Board of Adjustment may permit modifications of front yard requirements.

3. In a residential section no fence, structure, or planting higher three and one-half (3 ½) feet above the established street grades, nor any tree with foliage extending below ten (10) feet above the established street grades, shall be maintained within twenty (20) feet of any street intersection.

4. Open and unenclosed terraces and porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.

5. Where an official line has been established for future widening or opening of street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line to the building.

## 10.03

### Side Yards.

1. A building setback of seven (7) feet shall be maintained on all lots or property not adjacent to a public roadway in Sections 1, 2, 3, 4. A building setback line of twelve (12) feet, from the property line, shall be maintained on all lots or property located adjacent to any street in Sections 5 and 6, as

amended on November 14, 2002.

2. Accessory building may not project beyond a required yard line along the street.
3. For the purpose of side yard regulation, an attached dwelling or multi-family dwelling shall be considered as one building occupying one lot.
4. The area required in a yard shall be open to the sky, and unobstructed except for the ordinary projections of window sills, belts courses, cornices, or other ornamental features.
5. A roof overhang, an open fire escape or an outside stairway may project not more than three (3) feet into a required side yard.

10.04

#### **REAR YARDS**

An accessory building not exceeding twenty (20) feet in height may occupy the area of a required rear yard.

### **SECTION 11.00**

#### **OFF-STREET PARKING AND LOADING REQUIREMENTS**

- 11.01      Parking Requirements Based on use. In all sections there shall be provided off street parking requirements as promulgated by the Town from time to time.

### **SECTION 12.00**

#### **SPECIFIC USE PERMIT**

- 12.01      Specific use permits; The Town Council by an affirmative vote may come after public hearings and proper notice to all parties affected and that the use is in general conformance with the Master Plan of the Town and containing such requirements and safe guards as are necessary to protect adjoining property, authorize the location of certain uses in a special section, and uses in all directions to a minimum distance of two hundred (200) feet.

12.02

#### **SPECIFIC USE PERMIT REGULATION**

1. In recommending that a Specific Use Permit for the premises under consideration be granted, the Town Council shall determine that such uses are harmonious with the adaptable to building

structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to the requirements for the paving of the streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of building construction.

2. Every Specific Use Permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration, but shall not be considered as a permanent change in zoning. In the event the building, premise, or land uses under the Specific Use Permit is voluntarily for a period of no less than six (6) months, or if such building, or premise, or land is more than fifty (50) percent destroyed by fire or other causes, the use of the same shall thereafter conform to the regulations of the original zoning section of such property unless a new and separate Specific Use Permit is granted for continuation of the use.

3. In granting a Specific Use Permit, the Town Council may impose conditions which shall be complied with by the owner, or grantee before a certificate of occupancy may be issued by the Building Commissioner for use of the building on such property pursuant to such Specific Use Permit; and such conditions shall not be construed as conditions precedent to the granting of the Certificate of Occupancy.

4. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to except and agree to be bound by and comply with the written requirements of the Special Use Permit, as attached to the site plan drawing (or drawings) and approved by the Town Council.

5. A building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit provided, however, that the Town Council may authorize an extension.

6. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for enlargement, modification, structural alteration, or change.

7. The Town Council shall not have jurisdiction to hear, review, reverse, or modify a decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken in relation to such Specific Use Permit.

8. When the Town Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the appropriate zoning by an "S" designation.

9. The Town Council, in its determination that a Specific Use Permit be granted, shall set additional conditions to those specifically enumerated in item I above, as it may deem in the best interest of the community. The Specific Use Permit shall be effective for one (1) year following date of issue.

The Town Council, may upon expiration, extend the Specific Use Permit.

## **SECTION 13.00**

## **NONCONFORMING USES**

13.01 The unlawful use of land existing upon the effective date of this Ordinance, although such does not conform to the provisions hereof, may be continued, subject to the provisions hereof. The Lawful use of a building existing upon effective date of this Ordinance may be continued, although such use does not conform to the provision hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or Ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If such nonconforming or building is voluntarily removed, the future use of such premises shall be conformity with the provisions of this Ordinance.

In the event a nonconforming use of any building or premise is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of the section in which is located.

A residential dwelling unit having a lesser floor area at the time of the passage of the Ordinance than the minimum floor area required for the section in which it is located it shall not be construed to be a nonconforming use so long as the dwelling unit is maintained under the same ownership as the existing at the time of the passage of this Ordinance. A nonconforming use if changed to a conforming use or a more restricted nonconforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. If by amendment to this Ordinance any property is hereafter transferred to a more restricted section boundaries, or the regulations and restrictions in any section are made more restrictive or of a higher classification, the provisions of this Ordinance relating to the nonconforming use of buildings or premises existing upon the effective date of this Ordinance shall apply to building or premises occupied or used upon the effective date of such amendment.

Repairs and alterations may be made to nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changes to a conforming use.

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding over fifty (50) percent of its value, the Building Commissioner shall issue a permit for reconstruction. If destruction is greater than fifth (50) percent of its value, the Town Council may grant a permit for repair or replacement after public hearing and having due regard for the property right of the persons affected when considered in the light of the character of the area surrounding the designated

nonconforming use and the purposes of this Ordinance.

**SECTION 14.00**

**ENFORCEMENT & APPLICATION**

14.01 An administrative official designated by the Town Council, shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Town Council may direct. He shall be designated by the Building Commissioner.

If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, he shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

14.02 No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Building Commissioner. No building permit shall be issued except after written order from the Town Council.

14.03 All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of the building already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Commissioner including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance, to include proof of interim financing or performance bond at the sole discretion of the Building Commissioner.

One copy of the plans shall be returned to the applicant by the Building Commissioner after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The second copy of the plans, similarity marked, shall be retained by the Building Commissioner.

14.04 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part therefor hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued therefor by the Building Commissioner stating the proposed use of the building or land conforms to the requirements of this Ordinance.

No conforming structure or use shall be maintained, renewed, changed, or extended until a

certificate of zoning compliance shall have been issued by the Building Commissioner. The zoning compliance shall state specifically where the nonconforming use differs from the provisions of this Ordinance,

provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three months to apply for certificate of zoning compliance. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of the Ordinance upon completion of work.

A temporary certificate of zoning compliance may be issued by the Building Commissioner for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Building Commissioner shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under section 19 of this Ordinance.

14.05 If the work described in any building permit is not begun within ninety days from date of issuance thereof; said permit shall expire; it shall be canceled by the Building Commissioner; and written notice thereof shall be given to the persons affected.

If the work decried in any building permit has not been substantially (90%) completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the Building Commissioner, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

14.06 Building permits or certificates of zoning compliance issued on the basis of plans and application approved by the Building Commissioner authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, and construction. Use, arrangement, or construction or variance with that authorized shall be deemed a violation of the Ordinance, and punishable as provided by section 19 hereof.

## **SECTION 15.00**

## **CERTIFICATES OF OCCUPANCY**

- 15.01 Certificates of Occupancy shall be required for any occupancy and use of a building hereafter erected, structurally altered or upon a change of occupancy.
- 15.02 Certificates of Occupancy shall be issued by the Building Inspector only after the property passes inspection and complies with all Town Ordinances and Building Codes.
- 15.03 At the time of Inspection, for a Certificate of Occupancy, the inspector will confirm that a double check valve is in place on all sprinkler systems which are connected to the Town water supply.

## **SECTION 16.00**

## **HOME OCCUPATIONS**

**16.01** In all cases, home occupations shall meet the following conditions and requirements to maintain the residential character of the neighborhood while providing opportunities for home-based businesses. For the purposes of this Ordinance, home-based occupations does not include any occupation or business wherein the registered address for the occupation or business is not a residence in the Town of Lakewood Village.

- (a) Home occupations shall be conducted entirely within the main building.
- (b) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
  - 1. No external evidence of the occupation shall be detectable on property, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment. The home occupations shall not display visual or audio devices which call attention to the business use.
  - 2. The home occupation shall not have a separate entrance.
  - 3. Not more than two (2) patrons or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
  - 4. A maximum of one (1) commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked in the street.

5. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1 ½ ) tons.
  6. Merchandise shall not be offered or displayed for sale on the premises.
  7. No outdoor storage of materials, goods, supplies, or equipment shall be allowed.
  8. No building alterations shall be allowed that will alter the residential character of the home.
  9. No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking for residence or along the street frontage for the lot.
- (c) The home occupation shall clearly be incidental and secondary to the use of the premises for residential purposes. A home occupation shall be conducted wholly within the principal dwelling, and not in any accessory building. The total floor area to be used for a home occupation shall not exceed 20% of the total floor area of the principal dwelling, including garages. However, instructional classes may be held outside providing other stipulations of this ordinance are met.
- (d) Only one (1) part-time employee shall be permitted at any given time. A person who receives a wage, salary or percentage of profits directly related to the home occupation shall be considered an employee. This definition shall not include the coordination or supervision of employees who do not regularly visit the house for purposes related to the business.
- (e) The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
- (f) The home occupation shall not offer a ready inventory of any commodity for sale.
- (g) The home occupation shall not accept clients or customers before 8:00 a.m. or after 5:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
- (h) Uses allowed as home occupations:
1. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
  2. Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions provision of services may be personally and physically made

on premises;

3. Author, artist, sculptor;
4. Dressmaker, seamstress, tailor, milliner;
5. Music/dance teacher, tutoring, or similar instruction;
6. Swimming lessons or water safety instruction;
7. Home crafts, such as weaving, model making, etc.;
8. Repair shop for small electrical appliances, cameras, watches, or other small items, provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
9. Food preparation such as cake decorating, catering, etc., provided that no on-premise consumption by customers is allowed, and provided that the business is in full compliance with all health regulations;
10. Day care: Registered family home in compliance with State law, with a maximum of six (6) children at any one time. The family home shall be required to register with the Town of Lakewood Village; included in the registration shall be copies of all state and/or county documents.

(i) Uses prohibited as home occupations:

1. Animal Hospitals, commercial stables, kennels, i.e. dogs, cats, etc.;
2. Bed and breakfast inn, boarding or rooming house;
3. Day care center with more than six (6) children;
4. Schooling or instruction with more than one pupil (except as noted above);
5. Restaurants or on-premise food/beverage consumption of any kind;
6. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops i.e. paint and body;
7. Cabinetry, metal work, or welding shop;

8. Office for doctor, dentist, veterinarian, or other medical-related profession;
9. On-premise retail or wholesale sales of any kind, except home craft items produced entirely on premises, and except garage sales;
10. Commercial clothing laundering or cleaning;
11. Mortuaries or funeral homes;
12. Trailer, vehicle, tool, or equipment rental;
13. Antique, gift, or specialty shop;
14. Any use defined by the 1994 Uniform Building Code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
15. Beauty Salon, Nail Salon or Photo Lab.

(j) The Town shall determine whether a proposed use permit is appropriate as a home occupation. The Town shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein.

(k) Any home occupation that was in existence as of the effective date of this ordinance will be required to conform to all aspects of this ordinance.

## **16.02 PERMITS**

All persons having or starting a home occupation are required to file a permit with the Town for approval.

1. There shall be a one (1) time permit fee of \$50.00.
2. The Town reserves the right to cancel any individuals permit that fails to comply with Town regulations.

## **16.03 PENALTIES**

Any person who shall violate any of the provisions of this section or shall fail to comply therewith or with any of the requirements thereof, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall be fined not more than two

hundred (\$200.00) and each such violation shall be permitted to exist shall be construed to constitute a separate offense.

**SECTION 17.00**

**COMPLIANCE WITH THE REGULATIONS**

17.01 Except as herein specifically provided:

1. No land shall be used except for a purpose permitted in the section in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the section in which such building is located.
3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the Section in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations or the section in which such building is located.
5. No building shall be erected or structurally altered to the extent specifically provided herein except in conformity with the offstreet parking and loading regulations provided herein for the use for which the building is intended.
6. The minimum yards, parking spaces and open areas, including lot area per dwelling unit, required by Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the section in which such lot is located.
7. Every building hereafter erected or structurally altered shall be located on a building lot as herein defined, and except as specifically provided herein, there shall not be more than one main building on one lot.

17.01 The Town shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule below shall be posted in the office of the administration official, and may be altered or amended only by the Town Council.

17.02 No permit, certificate, special exception, or variance shall be issued unless and until such cost, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Town Council unless or until preliminary charges and fees have been paid in full.

17.03 For services rendered, the following schedule of fees and charges are hereby adopted:

1. For docketing zoning petition with the Town Council of the Town of Lakewood Village .... \$50.00.
2. For an application for relief with the Town Council of the Town of Lakewood Village ....\$20.00
3. Sprinkler Permit....\$50.00

17.04 No petition shall be docketed with the Town Council of the Town of Lakewood Village unless and until a receipt has been furnished the Secretary of the Town Council showing that the fee provided for in this Ordinance has been paid, and no application for relief shall be docketed with the Town Council unless and a receipt from the Tax Assessor Collector of the Town is furnished the Secretary of said Town Council showing that the fee provided has been paid.

**SECTION 18.00 AMENDMENTS**

18.01 Authority: under the provision of Article 1011E; the Town Council may from time to time amend, supplement, or change by Ordinance the boundaries of the section or the regulations herein established.

18.02 Public hearing: A public hearing shall be held by the Town Council concerning adopting any proposed amendment, supplement, or change to the Ordinance. Notice of such hearing shall be given by publication one (1) time in a newspaper or general circulation in the Town, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication. In addition, all property owners within 200 feet of any property on which any change in zoning is sought shall be notified in writing of said change to be sought.

18.03 In Case of Protest: In case of a protest signed by the owners of twenty (20) percent or more either of the area of the lots included in the proposed change, or those immediately adjoining the same and extending two hundred (200) feet therefrom, such change shall not become effective except by the favorable vote of three fourths (3/4) of all members of the Town Council.

18.04 Limitation on resubmission of Petition: No amendment, supplement, change, or repeal of any section of this Ordinance which has been legally rejected by the Town Council shall again be considered on an appeal or petition by an appellant or application before the expiration of three (3) months from the date of the original action.

**SECTION 19.00**

**VIOLATION AND PENALTIES**

19.01 Any person who shall violate any of the provisions of this Ordinance or shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall be fined not more than two hundred (\$200.00) and each such violation shall be permitted to exist shall be construed to constitute a separate offense. The owner of that building or premises or part thereof where anything in the violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

**SECTION 20.00**

**VALIDITY**

20.01 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged or for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Town Council, in adopting this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance.

**SECTION 21.00**

**INTERPRETATION, PURPOSE AND CONFLICT**

21.01 In interpreting and applying the provision of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, 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 building or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or by easements, covenants, or agreements, the provision of this Ordinance shall govern.

**SECTION 22.00**

**CONFLICTING ORDINANCES REPEALED**

22.01 All Ordinances and part of ordinances inconsistent or in conflict with this Ordinance are hereby repealed.

**SECTION 23.00**

**EFFECTIVE DATE**

23.01 This amended ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Passed and Approved the **14TH** day of **NOVEMBER** , 2002.

Vincent R. Webb, Mayor

ATTEST:

Dawn Sendziak, Town Secretary

APPROVED AS TO FORM:

Chris Raesz, Town Attorney