



**LAKEWOOD VILLAGE TOWN HALL  
100 HIGHRIDGE DRIVE  
LAKEWOOD VILLAGE, TEXAS**

**TOWN COUNCIL MEETING  
DECEMBER 13, 2018 7:00 P.M.**

**REGULAR SESSION – AGENDA**

Call to Order and Announce a Quorum is Present

**A. PLEDGE TO THE FLAG:**

**B. VISITOR/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

**C. PUBLIC HEARING:** A public hearing is scheduled on the proposed amendments to the Zoning Ordinance to provide an opportunity for citizen comment. The Town Council may adopt the proposed Zoning Ordinance with or without amendment by ordinance on one (1) reading.

**D. REGULAR AGENDA:**

1. Consideration of Audit of 2016-2017 Fiscal Year, Mr. Wayne Nabors, Nabors CPA Services (Vargus)
2. Consideration of Outdoor Lighting Ordinance (Reed)
3. Consideration of Golf Cart Ordinance (West)
4. Discussion of Playground Repairs (Lepley)
5. Discussion of Short-Term-Rentals (Vargus)
6. Discussion of Nuisance Ordinance (Vargus)
7. Discussion of Water and Sewer Line Improvements (Vargus)
8. Discussion of Concrete Roads (Vargus)
9. Discussion of Zoning Ordinance (Vargus)
10. Discussion of Financial Report (Shields)
11. Minutes of November 8, 2018 Council Meeting (Asbell)

**E. EXECUTIVE SESSION:** (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices;

**F. RECONVENE:** Reconvene into regular session and consideration of action, if any, on items discussed in executive session

**G. REPORTS:** Reports about items of community interest. No formal action may be taken on these items at this meeting.

**H. ADJOURNMENT**

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 4:00 p.m. on Friday, December 7, 2018.

Linda Asbell, TRMC, CMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by [Texas Government Code Section 551.071](#) (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development), 418.183 (Homeland Security)

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more board members of the [LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT](#) may attend this meeting. No action will be taken by the MDD board.

**TOWN OF LAKEWOOD VILLAGE, TEXAS**

Financial Statements  
(With Auditor's Report Thereon)

September 30, 2018



**TOWN OF LAKEWOOD VILLAGE**  
Annual Financial Report  
For the Year Ended September 30, 2018

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## INDEPENDENT AUDITOR'S REPORT

Honorable Mayor  
and Members of the Town Council  
**Town of Lakewood Village**  
Lakewood Village, Texas 75068

I have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Lakewood Village, Texas, as of and for the year ended September 30, 2018, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

My responsibility is to express opinions on these financial statements based on my audit. I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, I express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for my audit opinion.

## **Opinion**

In my opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Lakewood Village, Texas, as of September 30, 2018, and the respective changes in financial position and, where applicable, cash flows there of for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4 through 10 and 20 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Lakewood Village, Texas's basic financial statements. The introductory section is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

DRAFT

November 26, 2018

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## Management's Discussion and Analysis

As management of the Town of Lakewood Village, we offer readers of the Town of Lakewood Village's financial statements this narrative overview and analysis of the financial activities of the Town of Lakewood Village for the fiscal year ended September 30, 2018.

### Financial Highlights

- The assets of the Town of Lakewood Village exceeded its liabilities at the close of the most recent fiscal year by \$2,886,322 (net position). Of this amount \$278,915 (unrestricted net position) may be used to meet the government's ongoing obligations to citizens and creditors.
- As of the close of the current fiscal year, the Town of Lakewood Village's governmental funds reported ending fund balance of \$231,395, an increase of \$21,948 in comparison with the prior year. Of this balance, \$203,084 is available for spending at the government's discretion (unassigned). Unassigned fund balance represents 69 percent of general fund expenditures, and 69 percent of total governmental fund expenditures. At the close of the current fiscal year, the Town of Lakewood Village's governmental funds had a current ratio of approximately 34:1, based on the current assets of \$238,441 and current liabilities of \$7,046.

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town of Lakewood Village's basic financial statements. The Town of Lakewood Village's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements.

**Government-wide financial statements.** The *government-wide financial statements* are designed to provide readers with a broad overview of the Town of Lakewood Village's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the Town of Lakewood Village's assets and liabilities, with the difference between the two reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town of Lakewood Village is improving or deteriorating.

The *statement of activities* presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes).

Both of the government-wide financial statements distinguish functions of the Town of Lakewood Village that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Town of Lakewood Village include general government, public safety, and recreation (public works). The business-type activities of the Town of Lakewood Village include the water and sewer system.

The government-wide financial statements can be found on pages 13-15 of this report.



**Fund financial statements.** A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Lakewood Village, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All the funds of the Town of Lakewood Village can be divided into two categories: governmental funds (General Fund) and proprietary funds (Water and Sewer Fund).

**Governmental funds.** *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near term financing requirements.

Because the focus of the governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The Town of Lakewood Village maintains three governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, which is considered to be a major fund, the capital projects fund which is considered to be a major fund, and the municipal development district fund is a component unit.

The Town of Lakewood Village adopts an annual appropriated budget for its general fund. Budgetary comparison statements have been provided for the general fund to demonstrate compliance with this budget.

The basic governmental fund financial statements can be found on pages 16-19 of this report.

**Proprietary funds.** The Town of Lakewood Village maintains one type of proprietary fund. *Enterprise funds* are used to report the same functions presented as business-type activities in the government-wide financial statements. The Town of Lakewood Village uses enterprise funds to account for its Water and Sewer operations.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the LWV Utility Fund operations, and the Rocky Point Utility Fund operations.

The basic proprietary fund financial statements can be found on pages 21-23 of this report.

**Notes to the financial statements.** The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 24-37 of this report.

### **Government-wide Financial Analysis**

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town of Lakewood Village, assets exceed liabilities by \$2,886,322 at the close of the most recent fiscal year.

A portion of the Town of Lakewood Village's net position reflects its investment in capital assets (e.g., land, building, machinery, and equipment) less any related debt used to acquire those assets that is still outstanding. The Town of Lakewood Village uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town of Lakewood Village's investment in its capital assets is reported not of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

### **TOWN OF LAKEWOOD VILLAGE - Net Position**

	Governmental Activities		Business-Type Activities		Total	
	2018	2017	2018	2017	2018	2017
Current and other assets	\$ 238,441	253,848	113,536	104,630	351,977	358,478
Capital Assets	<u>1,815,178</u>	<u>1,874,577</u>	<u>1,798,851</u>	<u>1,825,015</u>	<u>3,614,029</u>	<u>3,699,592</u>
Total assets	<u>2,053,619</u>	<u>2,128,425</u>	<u>1,912,387</u>	<u>1,929,645</u>	<u>3,966,006</u>	<u>4,058,070</u>
Long-term liabilities	1,024,000	1,178,000			1,024,000	1,178,000
Other liabilities	<u>6,400</u>	<u>43,720</u>	<u>49,284</u>	<u>57,746</u>	<u>55,684</u>	<u>101,466</u>
Total liabilities	<u>1,030,400</u>	<u>1,221,720</u>	<u>49,284</u>	<u>57,746</u>	<u>1,079,684</u>	<u>1,279,466</u>
Net position:						
Invested in capital assets						
net of related debt	791,178	696,577	1,798,851	1,825,015	2,590,029	2,521,592
Restricted	17,378	10,782			17,378	10,782
Unrestricted	<u>214,663</u>	<u>199,346</u>	<u>64,252</u>	<u>46,884</u>	<u>278,915</u>	<u>246,230</u>
Total net position	<u>\$ 1,023,219</u>	<u>906,705</u>	<u>1,863,103</u>	<u>1,871,899</u>	<u>2,886,322</u>	<u>2,778,604</u>

#### Governmental Activities:

- During the year revenues increased by \$4,765 (1%), primarily due to property taxes.
- Expenses for the year increased by \$29,055 (9%), primarily due to street repairs.

#### Business-type Activities:

- Charges for services increased by \$13,762 (4%) during the year primarily due to water sales, while expenses increased by \$11,943 (4%). The increases were attributable to proceeds from an insurance claim (\$13,783) and the costs of replacing the associated assets (\$14,783).

**TOWN OF LAKEWOOD VILLAGE - Changes in Net Position**

	Governmental Activities		Business-Type Activities		Total	
	<u>2018</u>	<u>2017</u>	<u>2018</u>	<u>2017</u>	<u>2018</u>	<u>2017</u>
Revenues:						
Program revenues:						
Charges for services	\$ 49,816	52,379	341,505	327,743	391,321	380,122
General revenues:						
Property taxes	287,753	267,219			287,753	267,219
Other taxes	90,522	101,321			90,522	101,321
Other	<u>14,667</u>	<u>26,604</u>	<u>24,980</u>	<u>6,560</u>	<u>39,647</u>	<u>33,164</u>
Total revenues	442,758	447,523	366,485	334,303	809,243	781,826
Expenses:						
General government	274,118	235,018			274,118	235,018
Public safety	27,100	24,900			27,100	24,900
Public works	30,988	40,218			30,988	40,218
Interest	21,910	26,925			21,910	24,925
Water & sewer			<u>342,979</u>	<u>331,036</u>	<u>342,979</u>	<u>331,036</u>
Total expenses	354,116	325,061	342,979	331,036	697,095	656,097
Increase in net position before other transfers	88,642	122,462	23,506	3,267	112,148	125,729
Transfers	27,872	30,238	(27,872)	(30,238)		
Gain/(loss) on disposal of capital assets	<u>          </u>	<u>37,056</u>	<u>(4,430)</u>	<u>          </u>	<u>(4,430)</u>	<u>37,056</u>
Increase/(decrease) in net position	116,514	189,756	(8,796)	(26,971)	107,718	162,785
Net position - beginning	<u>906,705</u>	<u>716,949</u>	<u>1,871,899</u>	<u>1,898,870</u>	<u>2,778,604</u>	<u>2,615,819</u>
Net position - ending	\$ <u><u>1,023,219</u></u>	<u><u>906,705</u></u>	<u><u>1,863,103</u></u>	<u><u>1,871,899</u></u>	<u><u>2,886,322</u></u>	<u><u>2,778,604</u></u>

## **Financial Analysis of the Government's Funds**

As noted earlier, the Town of Lakewood Village uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Governmental funds.** The focus of the Town of Lakewood Village's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Town of Lakewood Village's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government's net resources available at the end of the fiscal year.

At the end of the current fiscal year, the Town of Lakewood Village's governmental funds reported ending fund balance of \$231,395, an increase of \$21,948 from the prior year. Of the current combined ending fund balance, \$203,084 is unassigned.

**Proprietary Funds.** The Town of Lakewood Village's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the Enterprise Funds at the end of the year amounted to \$64,252. The total increase in unrestricted net position of the Enterprise Funds was \$17,368. The factors concerning the finances of this fund have already been addressed in the discussion of the Town of Lakewood Village's business type activities.

## **General Fund Budgetary Highlights**

During the year, revenues were more than budgetary estimates by \$14,567, and expenditures were more than budgetary estimates by \$3,767. The budget had called for a \$650 decrease in fund balance, however, more than budgeted revenues resulted in \$13,581 increase to fund balance.

## **Capital Assets and Debt Administration**

**Capital Assets.** The Town of Lakewood Village's investment in capital assets for its governmental and business-type activities as of September 30 2018, amounts to \$3,614,029 (net of accumulated depreciation). This investment in capital assets includes land, buildings and systems, and equipment.

Major capital asset events during the current fiscal year included the following:

- Building and street light improvements totaling \$14,261 were added to the general fund.
- System and improvements, land, and equipment totaling \$63,975 were added to the LWV Utility Funds.

Additional information on the Town of Lakewood Village's capital assets can be found in Note 3.C. on pages 33-34 of this report.

**Long-term debt.** The Town has outstanding certificate of obligation bonds sold to finance construction of concrete streets.

Additional information on the Town of Lakewood Village long-term debt can be found in Note 3.D. on pages 35 of this report.

## **Economic Factors and Next Year's Budgets and Rates**

In determining the budget and related ad-valorem tax rate the Town considers economic factors such as the Eldorado Parkway corridor related development, property tax values, sales and franchise fee taxes, and construction permits. Building permits remained steady in the previous year and we forecast a similar volume of housing starts. We believe property values have firmed and will increase in the 4 to 6 percent range due to our unique lakeside location and custom home building flexibility. Given our attractive location, we expect increased developer attention in Lakewood Village as the FM720/Eldorado Parkway construction in Little Elm is completed.

The Town plans to primarily build reserves during fiscal 2018 while making strategic targeted capital investments when appropriate. The focus of the governmental budget is the continued retirement of the town's debt while making moderate improvements in town infrastructure.

The Town has historically operated with a relatively low ad-valorem tax rate of \$0.25 per \$100 of valuation which is one-half to one-third that of surrounding municipalities. Given the current level of cash reserves, operating surplus, cash flows, and our conservative budgeting approach, there will likely be no change in the maintenance and operations (M&O) tax rate. Fiscal 2018 will mark the 37<sup>th</sup> consecutive year the Town's M&O tax rate has been \$0.25 or less.

## **Request for information**

This financial report is designed to provide a general overview of the Town of Lakewood Village's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Office of the Mayor, 100 Highridge, Lakewood Village, Texas 75068.

## **BASIC FINANCIAL STATEMENTS**

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**TOWN OF LAKEWOOD VILLAGE**

## Statement of Net Position

September 30, 2018

	Primary Government		
	Governmental	Business-type	
	Activities	Activities	Total
<b>ASSETS</b>			
Cash and cash equivalents - unrestricted	\$ 217,342	61,624	278,966
Cash and equivalents - restricted	17,378	43,900	61,278
Receivables (Net of allowance for uncollectibles):			
Property taxes	646		646
Sales taxes	3,075		3,075
Accounts receivable		8,012	8,012
Noncurrent assets:			
Capital assets (net of accumulated depreciation):			
Land and improvements	123,761	73,475	197,236
Buildings, systems and improvements	39,365	1,721,147	1,760,512
Furniture and equipment	8,388	4,229	12,617
Streets	<u>1,643,664</u>	<u>          </u>	<u>1,643,664</u>
Total assets	<u>2,053,619</u>	<u>1,912,387</u>	<u>3,966,006</u>
<b>LIABILITIES</b>			
Deposits payable		43,900	43,900
Other payables	6,400	5,384	11,784
Noncurrent liabilities:			
Bonds payable:			
Due within one year	158,000		158,000
Due in more than one year	<u>866,000</u>	<u>          </u>	<u>866,000</u>
Total liabilities	<u>1,030,400</u>	<u>49,284</u>	<u>1,079,684</u>
<b>NET POSITION</b>			
Invested in capital assets, net of related debt	791,178	1,798,851	2,590,029
Restricted	17,378		17,378
Unrestricted	<u>214,663</u>	<u>64,252</u>	<u>278,915</u>
Total net position	\$ <u>1,023,219</u>	<u>1,863,103</u>	<u>2,886,322</u>

The notes to the financial statements are an integral part of this statement.



**TOWN OF LAKEWOOD VILLAGE**  
Statement of Activities  
For the Fiscal Year Ended September 30, 2018

Functions/Programs	<u>Expenses</u>	<u>Program Revenues</u>		
		<u>Charges for Services</u>	<u>Operating Grants</u>	<u>Capital Grants</u>
<b>Primary government:</b>				
Governmental activities:				
General government	\$ 274,118	49,816		
Public safety	27,100			
Public works	30,988			
Interest	<u>21,910</u>			
Total governmental activities	<u>354,116</u>	<u>49,816</u>		
Business-type activities				
Water and sewer	<u>342,979</u>	<u>341,505</u>		
Total business-type activities	<u>342,979</u>	<u>341,505</u>		
 Total primary government	 \$ <u>697,095</u>	 <u>391,321</u>		

General revenues:  
Property taxes  
Franchise fees  
Sales taxes  
Fines and forfeitures  
Investment earnings  
Miscellaneous revenue  
Gain on disposal of capital assets  
Transfer (to)/from other funds  
Total general revenues

Change in net position

Net position - beginning

Net position - ending

The notes to the financial statements are an integral part of this statement.

Net (Expense) Revenue and Changes in Net Position Primary Government		
Governmental Activities	Business-type Activities	Total
(224,302)		(224,302)
(27,100)		(27,100)
(30,988)		(30,988)
<u>(21,910)</u>		<u>(21,910)</u>
<u>(304,300)</u>		<u>(304,300)</u>
	<u>(1,474)</u>	<u>(1,474)</u>
	<u>(1,474)</u>	<u>(1,474)</u>
		<u>(305,774)</u>
287,753		287,753
35,518		35,518
55,004		55,004
7,478		7,478
2,403	864	3,267
4,786	24,116	28,902
	(4,430)	(4,430)
<u>27,872</u>	<u>(27,872)</u>	
<u>420,814</u>	<u>(7,322)</u>	<u>413,492</u>
116,514	(8,796)	107,718
<u>906,705</u>	<u>1,871,899</u>	<u>2,778,604</u>
\$ <u><u>1,023,219</u></u>	<u><u>1,863,103</u></u>	<u><u>2,886,322</u></u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LAKEWOOD VILLAGE**

Balance Sheet  
Government Funds  
September 30, 2018

	<u>General Fund</u>	<u>Municipal Development District</u>	<u>Total Governmental Funds</u>
<b>ASSETS</b>			
Cash and cash equivalents - unrestricted	\$ 217,342		217,342
Cash and cash equivalents - restricted	250	17,128	17,378
Receivables (net of allowance for uncollectibles):			
Property taxes	646		646
Sales taxes	<u>2,216</u>	<u>859</u>	<u>3,075</u>
Total assets	\$ <u>220,454</u>	<u>17,987</u>	<u>238,441</u>
<b>LIABILITIES &amp; FUND BALANCES</b>			
Liabilities:			
Deferred revenue	\$ 646		646
Other liabilities	<u>6,400</u>		<u>6,400</u>
Total liabilities	<u>7,046</u>		<u>7,046</u>
Fund balances:			
Restricted	250	17,987	18,237
Assigned:	10,074		10,074
Unassigned	<u>203,084</u>		<u>203,084</u>
Total fund balance	<u>213,408</u>	<u>17,987</u>	<u>231,395</u>
Total liabilities & fund balances	\$ <u>220,454</u>	<u>17,987</u>	<u>238,441</u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LAKEWOOD VILLAGE**  
Reconciliation of the Balance Sheet of Governmental Funds  
to the Statement of Net Position  
September 30, 2018

**Total Fund Balances - Governmental Funds** \$ 231,395

Capital assets used in governmental activities are not financial resources, and therefore, are not reported in governmental funds. At the beginning of the year, the cost of these assets was \$2,142,114, and the accumulated depreciation was \$(267,537). In addition, long-term liabilities, including bonds payable and legal liabilities of \$(1,178,000), are not due and payable in the current period, and therefore, are not reported as liabilities in the funds. The net effect of including the beginning balances for capital assets (net of depreciation) and long-term debt in the governmental activities is to increase net assets.

696,577

Current year capital outlays of \$14,261 and long-term debt principal payments of \$154,000 are expenditures in the fund financial statements, but they should be shown as increases in capital assets and reductions in long-term debt in the government-wide financial statements. The net effect of including the current year capital outlays and debt principal payments is to increase net assets.

168,261

The current year depreciation expense increases accumulated depreciation. The net effect of the current year's depreciation is to decrease net assets.

(73,660)

Various other reclassifications and eliminations are necessary to convert from the modified accrual basis of accounting to accrual basis of accounting. These include recognizing \$646 of deferred revenue as revenue.

646

**Net Position of Governmental Activities** **\$ 1,023,219**

The notes to the financial statements are an integral part of this statement.

**TOWN OF LAKEWOOD VILLAGE**  
Statement of Revenues, Expenditures and Changes in Fund Balances  
Governmental Funds  
For the Fiscal Year Ended September 30, 2018

	<u>General Funds</u>	<u>Municipal Development District</u>	<u>Total Governmental Funds</u>
<b>REVENUES</b>			
Taxes			
Property	\$ 287,788		287,788
Franchise	35,518		35,518
Sales	31,327	23,677	55,004
Fines and forfeitures	7,478		7,478
Licenses and permits	37,435		37,435
Fees and service charges	12,381		12,381
Interest	2,254	149	2,403
Miscellaneous	<u>4,486</u>	<u>300</u>	<u>4,786</u>
Total revenues	<u>418,667</u>	<u>24,126</u>	<u>442,793</u>
 <b>EXPENDITURES</b>			
General government	200,458		200,458
Public safety	27,100		27,100
Public works	30,988		30,988
Capital outlay	14,261		14,261
Debt service:			
Principal	154,000		154,000
Interest and fiscal charges	<u>21,910</u>	<u>      </u>	<u>21,910</u>
Total expenditures	<u>448,717</u>	<u>      </u>	<u>448,717</u>
 Excess/(deficiency) of revenues over expenditures	<u>(30,050)</u>	<u>24,126</u>	<u>(5,924)</u>
 <b>OTHER FINANCING SOURCES AND USES</b>			
Transfers (to)/from other funds	<u>43,631</u>	<u>(15,759)</u>	<u>27,872</u>
Total other financing sources	<u>43,631</u>	<u>(15,759)</u>	<u>27,872</u>
 Net change in fund balances	13,581	8,367	21,948
 Fund balance, beginning	<u>199,827</u>	<u>9,620</u>	<u>209,447</u>
 Fund balance, ending	<u>\$ 213,408</u>	<u>17,987</u>	<u>231,395</u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LAKEWOOD VILLAGE**  
Reconciliation of the Statement of Revenues, Expenditures  
and Changes in Fund Balances of Governmental Funds  
to the Statement of Activities  
September 30, 2018

**Total Net Change in Fund Balances - Governmental Funds** \$ 21,948

Current year capital outlays of \$14,261 and long-term debt principal payments of \$154,000, are expenditures and sources in the fund financial statements, but they should be shown as increases in capital assets and reductions in long-term debt in the government-wide financial statements. The net effect of including the current year capital outlays and debt principal payments is to increase net position. 168,261

Capital assets used in governmental activities are not financial resources, and therefore, are not reported in governmental funds. Depreciation of \$73,660 is not recognized as an expense in governmental funds since it does not require the use of current resources. The net effect of the current year's activity is to decrease net position. (73,660)

Deferred revenue is not recognized as revenue in the governmental activities. The net effect is to decrease net position. (35)

**Changes in Net Position of Governmental Activities** **\$ 116,514**

The notes to the financial statements are an integral part of this statement.

**TOWN OF LAKEWOOD VILLAGE**  
Statement of Revenues, Expenditures, and Changes in Fund Balances  
Budget and Actual - General Fund  
For the Fiscal Year Ended September 30, 2018

	Original <u>Budget</u>	Final <u>Budget</u>	Actual <u>Amounts</u>	Variance with Final Budget Positive (Negative)
<b>REVENUES</b>				
Taxes				
Property	\$ 288,000	288,000	287,788	(212)
Franchise	30,000	30,000	35,518	5,518
Sales	34,000	34,000	31,327	(2,673)
Fines and forfeitures	3,000	3,000	7,478	4,478
Licenses and permits	38,400	38,400	37,435	(965)
Fees and service charges	6,000	6,000	12,381	6,381
Interest	700	700	2,254	1,554
Miscellaneous	<u>4,000</u>	<u>4,000</u>	<u>4,486</u>	<u>486</u>
Total revenues	<u>404,100</u>	<u>404,100</u>	<u>418,667</u>	<u>14,567</u>
 <b>EXPENDITURES</b>				
General government	196,900	203,450	200,458	2,992
Public safety	25,000	27,100	27,100	
Public works	27,500	27,500	30,988	(3,488)
Capital outlay	5,000	11,000	14,261	(3,261)
Debt service:				
Principal	154,000	154,000	154,000	
Interest	<u>21,900</u>	<u>21,900</u>	<u>21,910</u>	<u>(10)</u>
Total expenditures	<u>430,300</u>	<u>444,950</u>	<u>448,717</u>	<u>(3,767)</u>
 Excess (deficiency) of revenues over expenditures	 <u>(26,200)</u>	 <u>(40,850)</u>	 <u>(30,050)</u>	 <u>10,800</u>
 <b>OTHER FINANCING SOURCES</b>				
Transfers (to)/from other funds	<u>40,200</u>	<u>40,200</u>	<u>43,631</u>	<u>3,431</u>
Total other financing sources	<u>40,200</u>	<u>40,200</u>	<u>43,631</u>	<u>3,431</u>
 Net change in fund balances	 14,000	 (650)	 13,581	 14,231
 Fund balance, beginning	 <u>199,827</u>	 <u>199,827</u>	 <u>199,827</u>	 _____
 Fund balance, ending	 \$ <u>213,827</u>	 <u>199,177</u>	 <u>213,408</u>	 <u>14,231</u>

The notes to the financial statements are an integral part of this statement.

# TOWN OF LAKEWOOD VILLAGE

## Statement of Net Position

### Proprietary Funds

September 30, 2018

	Business-Type Activities		
	LWV Utility Fund	Rocky Point Utility Fund	Totals
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents - unrestricted	\$ 53,264	8,360	61,624
Cash and cash equivalents - restricted	41,300	2,600	43,900
Accounts receivable (net of allowance for uncollectibles)	6,789	1,223	8,012
Total current assets	<u>101,353</u>	<u>12,183</u>	<u>113,536</u>
Noncurrent assets:			
Capital assets:			
Land	57,553	15,922	73,475
Equipment	5,824		5,824
Water systems and improvements	1,521,728	101,748	1,623,476
Sanitation systems and improvements	1,498,718		1,498,718
Buildings and improvements	21,281	3,533	24,814
Less: Accumulated depreciation	<u>(1,413,696)</u>	<u>(13,760)</u>	<u>(1,427,456)</u>
Total noncurrent assets	<u>1,691,408</u>	<u>107,443</u>	<u>1,798,851</u>
Total assets	\$ <u>1,792,761</u>	<u>119,626</u>	<u>1,912,387</u>
<b>LIABILITIES</b>			
Current liabilities:			
Customer deposits	\$ 41,300	2,600	43,900
Other payables	5,255	129	5,384
Total current liabilities	<u>46,555</u>	<u>2,729</u>	<u>49,284</u>
Total liabilities	<u>46,555</u>	<u>2,729</u>	<u>49,284</u>
<b>NET POSITION</b>			
Invested in capital assets, net of related debt	1,691,408	107,443	1,798,851
Unrestricted	54,798	9,454	64,252
Total net position	\$ <u>1,746,206</u>	<u>116,897</u>	<u>1,863,103</u>

The notes to the financial statements are an integral part of this statement.



**TOWN OF LAKEWOOD VILLAGE**  
Statement of Revenues, Expenses and Changes in Fund Net Position  
Proprietary Funds  
September 30, 2018

	Business-Type Activities		
	LWV Utility Fund	Rocky Point Utility Fund	Totals
<b>OPERATING REVENUES</b>			
Water	\$ 151,946	16,814	168,760
Sewer	107,790		107,790
Sanitation	47,213		47,213
Fees and services	17,248	494	17,742
Other income	4,503	5,830	10,333
Total operating revenues	<u>328,700</u>	<u>23,138</u>	<u>351,838</u>
<b>OPERATING EXPENSES</b>			
Contract services	45,300	2,400	47,700
Administrative	84,116	4,023	88,139
Repairs and maintenance	61,062	4,905	65,967
Miscellaneous	8,787	570	9,357
Garbage collections	41,240		41,240
Depreciation	87,744	2,832	90,576
Total operating expenses	<u>328,249</u>	<u>14,730</u>	<u>342,979</u>
Operating income (loss)	<u>451</u>	<u>8,408</u>	<u>8,859</u>
<b>NONOPERATING REVENUES (EXPENSES)</b>			
Gain/loss on disposition of capital assets	(4,430)		(4,430)
Insurance proceeds	13,783		13,783
Interest revenue	800	64	864
Total nonoperating revenues (expenses)	<u>10,153</u>	<u>64</u>	<u>10,217</u>
Income (loss) before transfers	10,604	8,472	19,076
Transfers (to)/from other funds	(36,172)	8,300	(27,872)
Change in net position	(25,568)	16,772	(8,796)
Net position - beginning	<u>1,771,774</u>	<u>100,125</u>	<u>1,871,899</u>
Net position - ending	\$ <u>1,746,206</u>	<u>116,897</u>	<u>1,863,103</u>

The notes to the financial statements are an integral part of this statement.

**TOWN OF LAKEWOOD VILLAGE**  
Statement of Cash Flows  
Proprietary Funds  
For the Fiscal Year Ended September 30, 2018

	Business-Type Activities		
	LWV Utility Fund	Rocky Point Utility Fund	Totals
Cash flows from operating activities:			
Cash received from customers and users	\$ 343,987	22,900	366,887
Cash payments to suppliers	<u>(250,068)</u>	<u>(11,898)</u>	<u>(261,966)</u>
Net cash provided by operating activities	<u>93,919</u>	<u>11,002</u>	<u>104,921</u>
Cash flows from capital and related financing activities:			
Acquisition/disposition of capital assets	<u>(51,911)</u>	<u>(12,500)</u>	<u>(64,411)</u>
Net cash used by capital and related financing activities	<u>(51,911)</u>	<u>(12,500)</u>	<u>(64,411)</u>
Cash flows from noncapital financing activities:			
Transfer in/(out)	<u>(36,172)</u>	<u>8,300</u>	<u>(27,872)</u>
Net cash used by noncapital financing activities	<u>(36,172)</u>	<u>8,300</u>	<u>(27,872)</u>
Cash flows from investing activities:			
Interest on deposits and investments	<u>800</u>	<u>64</u>	<u>864</u>
Net cash provided by investing activities	<u>800</u>	<u>64</u>	<u>864</u>
Net increase in cash and cash equivalents	15,989	6,866	
Cash and cash equivalents - beginning	<u>78,575</u>	<u>4,094</u>	<u>82,669</u>
Cash and cash equivalents - ending	\$ <u>94,564</u>	<u>10,960</u>	<u>105,524</u>

Reconciliation of Net Income to Net Cash Provided/(Used) by Operating Activities

Operating income	\$ 451	8,408	8,859
Adjustments to reconcile net income to net cash provided by operating activities			
Depreciation	87,744	2,832	90,576
(Increase)/decrease in accounts receivable	4,683	(338)	4,345
(Increase)/decrease in other receivables	9,604		9,604
Increase/(decrease) in customer deposits	1,000	100	1,100
Increase/(decrease) in other payables	<u>(9,563)</u>		<u>(9,563)</u>
Total adjustments	<u>93,468</u>	<u>2,594</u>	<u>96,062</u>
Net cash provided by operating activities	\$ <u>93,919</u>	<u>11,002</u>	<u>104,921</u>

The notes to the financial statements are an integral part of this statement.

## **TOWN OF LAKEWOOD VILLAGE**

### **Notes to the Financial Statements**

**September 30, 2018**

#### **(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements of the Town of Lakewood Village, Texas, have been prepared in conformity with accounting principles generally accepted (GAAP) in the United States of America as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the government's accounting policies are described below.

##### **A. Reporting Entity**

The Town of Lakewood Village is a municipality governed by an elected mayor and town council. The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable. In evaluating how to define the government, for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria set forth in GAAP. The basic, but not the only, criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependency. Other manifestations of the ability to exercise oversight responsibility include, but are not limited to, the selection of governing authority, the designation of management, the ability to significantly influence operations, and accountability for fiscal matters. A second criterion used in evaluating potential component units is the scope of public service. Application of this criterion involves considering whether the activity benefits the government and/or its citizens, or whether the activity is conducted within the geographic boundaries of the government and is generally available to its citizens. A third criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the government is able to exercise oversight responsibilities. Based upon the application of these criteria, the Town of Lakewood Village has only a blended component unit. Blended component units, although legally separate entities, are, in substance, part of the government's operations.

*Blended Component Unit.* The Lakewood Village Municipal Development District (MDD) is a political subdivision of the State of Texas and the Town, established by the voters in 2009 for the purposes of promoting economic development within the Town as prescribed by Chapter 377 of the Texas Local Government Code. The MDD is presented as a governmental fund type. The fund is supported by a one-half cent sales tax which is currently used in full to fund the cost of construction of infrastructure, other capital asset acquisition, and debt service related to the Rocky Point proprietary fund. As of September 30, 2018, the amount provided by the MDD to the Rocky Point Proprietary fund totals \$89,514.

# **TOWN OF LAKEWOOD VILLAGE**

## **Notes to the Financial Statements**

September 30, 2018

-continued-

### **(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

#### **B. Government-wide and fund financial statements**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

#### **C. Measurement focus, basis of accounting, and financial statement presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

-continued-

# **TOWN OF LAKEWOOD VILLAGE**

Notes to the Financial Statements

September 30, 2018

-continued-

## **(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

### **C. Measurement focus, basis of accounting, and financial statement presentation(continued)**

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The government reports the following major governmental funds:

The *general fund* is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The government reports the following proprietary funds:

The *LWW Utility fund* is used to account for those operations that are financed and operated in a manner similar to private business or where the council has decided that the determination of revenues earned, costs incurred and/or net income is necessary for management accountability. The enterprise fund is for water, sewer, and solid waste operations.

The *Rocky Point Utility fund* is used to account for those operations that are financed and operated in a manner similar to private business or where the council has decided that the determination of revenues earned, costs incurred and/or net income is necessary for management accountability. The enterprise fund is for water operations.

-continued-

## TOWN OF LAKEWOOD VILLAGE

### Notes to the Financial Statements

September 30, 2018

-continued-

#### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

##### C. **Measurement focus, basis of accounting, and financial statement presentation**(continued)

Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in both the government-wide and proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of Governmental Accounting Standards Board. Governments also have the option of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to this same limitation. The government has elected not to follow subsequent private-sector guidance.

As a general rule, the effect of inter-fund activity has been eliminated from the governmental-wide financial statements. Exceptions to this general rule are payments-in-lieu of taxes and other charges between the government's water and sewer function and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Amounts reported as *program revenues* include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as *general revenues* rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise fund are charges to customers for sales and services. The enterprise fund also recognizes as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the system. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first, then unrestricted resources as they are needed.

##### D. **Assets, liabilities, and net position or equity**

###### 1. **Deposits**

Cash and cash equivalents includes cash on hand, demand deposits, and short-term investments with a maturity date within three months of the date acquired by the government.

-continued-

# **TOWN OF LAKEWOOD VILLAGE**

Notes to the Financial Statements

September 30, 2018

-continued-

## **(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

### **D. Assets, liabilities, and net position or equity (continued)**

#### **2. Short-term Inter-fund Receivables/Payables**

During the course of operations, numerous transactions occur between individual funds for goods provided or services rendered. These receivables and payables are classified as “due from other funds” or “due to other funds” on the balance sheet.

#### **3. Restricted Assets**

Certain resources set aside for customer deposits are classified as restricted assets on the balance sheet because their use is limited.

#### **4. Capital Assets**

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 (amount not rounded) and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest is capitalized on proprietary fund assets acquired with tax-exempt debt. The amount of interest to be capitalized is calculated by offsetting interest expense incurred from the date of the borrowing until completion of the project with interest earned on invested proceeds over the same period.

Property, plant, and equipment of the primary government is depreciated using the straight line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings, systems and improvements	5 - 40
Furniture and equipment	3 - 10

-continued-

## TOWN OF LAKEWOOD VILLAGE

Notes to the Financial Statements

September 30, 2018

-continued-

### (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

#### D. Assets, liabilities, and net position or equity (continued)

##### 5. Long-Term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position.

##### 6. Fund Equity

Fund Balance Classification: The governmental fund financial statements present fund balance classifications that comprise a hierarchy that is based primarily on the extent to which the Town is bound to honor constraints for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable: This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) are legally or contractually required to be maintained intact.
- Restricted: This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation.
- Committed: This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Town Council. These amounts cannot be used for any other purpose unless the Town Council removes or changes the specified use by taking the same type of action (ordinance or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. The Town did not have any committed resources as of September 30, 2018.
- Assigned: This classification includes amounts that are constrained by the Town's intent to be used for a specific purpose but are neither restricted nor committed. This intent can be expressed by an official to which the Town Council delegates this authority.
- Unassigned: This classification includes amounts that have not been assigned to other funds or restricted, committed or assigned to a specific purpose within the General Fund.

-continued-



# TOWN OF LAKEWOOD VILLAGE

Notes to the Financial Statements

September 30, 2018

-continued-

## (1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

### D. Assets, liabilities, and net position or equity (continued)

#### 6. Fund Equity (continued)

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the Town considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Town considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed.

As of September 30, 2018, fund balances are composed of the following:

	<u>General Fund</u>	<u>Municipal Development District</u>	<u>Total Governmental Funds</u>
Nonspendable:	\$		
Restricted:			
Municipal Development		17,987	17,987
Debt service	250		250
Committed:			
Assigned:			
Road maintenance	10,074		10,074
Unassigned:	<u>203,084</u>	<u>      </u>	<u>203,084</u>
Total fund balances	\$ <u>213,408</u>	<u>17,987</u>	<u>231,395</u>

## (2) STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

### A. Budgetary Information

Annual budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America. Annual appropriated budgets are legally adopted for the general fund and water and sewer fund. All annual appropriations lapse at fiscal year end.

The Town follows these procedures in establishing the budgetary data reflected in the financial statements.

1. Prior to September 1, the Town Council prepares a proposed operating budget for the fiscal year commencing the following October 1. The operating budget includes proposed expenditures and the means of financing them.

-continued-

## **TOWN OF LAKEWOOD VILLAGE**

Notes to the Financial Statements

September 30, 2018

-continued-

### **(2) STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY (continued)**

#### **A. Budgetary Information (continued)**

2. Public hearings are conducted to obtain taxpayer comments.
3. The budget is legally enacted by the Town Council through passage of an ordinance prior to the beginning of the fiscal year to which it applies, which can be amended by the Council.
4. Formal budgetary integration, using the modified accrual basis, is employed as a management control device during the year for the General Fund. One supplemental appropriation was made during the fiscal year.
5. The budget approved for the Water and Sewer Fund follows similar approval procedures. One supplemental appropriation was made during the fiscal year.

Encumbrances for goods or purchased services are documented by purchase orders or contracts. At year end, encumbrances are canceled or reappropriated as part of the following year budget.

### **(3) DETAILED NOTES ON ALL FUNDS**

#### **A. Deposits and Investments**

The Town may invest in obligations of the U. S. Treasury or the State of Texas, certain U. S. Agencies, certificates of deposit, money market savings accounts, certain municipal securities, repurchase agreements, common trust funds and other investments specifically allowed by the Public Funds Investment Act of 1987 (Article 842a-2 Vernon's Civil Statutes).

At September 30, 2018, the Town's carrying amount of deposits was \$340,244 and the bank balance was \$367,816. Of the bank balance, \$250,000 was covered by federal depository insurance and \$117,816 was secured by marketable securities pledged by the financial institution holding the Town's depository contract.

In compliance with the Public Funds Investment Act, the Town has adopted a deposit and investment policy. That policy addresses the following risks:

- a. *Custodial Credit Risk - Deposits:* In the case of deposits this is the risk that, in the event of a bank failure, the government's deposits may not be returned to it. The Town's policy regarding types of deposits allowed and collateral requirements is: the Depository may be a state bank authorized and regulated under Texas law; a national bank, savings and loan association, or savings bank authorized and regulated by federal law, or a savings and loan association or savings bank organized under Texas law; but shall not be any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation (FDIC). The Town is not exposed to custodial credit risk for its deposits, as all are covered by depository insurance.

-continued-

**TOWN OF LAKEWOOD VILLAGE**

Notes to the Financial Statements

September 30, 2018

-continued-

**(3) DETAILED NOTES ON ALL FUNDS**

**A. Deposits and Investments (continued)**

- b. *Custodial Credit Risk* - Investments: For an investment, this is the risk that, in the event of the failure of the counter party, the Town will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The Town has no investments.
- c. *Credit Risk* - This is the risk that an issuer of an investment will be unable to fulfill its obligations. The rating of securities by nationally recognized rating agencies is designed to give an indication of credit risk. The Town has no investments.
- d. *Interest Rate Risk* - This is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town has no investments.
- e. *Foreign Currency Risk* - This is the risk that exchange rates will adversely affect the fair value of an investment. The Town is not exposed to foreign currency risk.
- f. *Concentration of Credit Risk* - This is the risk of loss attributed to the magnitude of the Town's investment in a single issuer (i.e., lack of diversification). Concentration risk is defined as positions of 5 percent or more in the securities of a single issuer. The Town has no investments.

**B. Receivables**

Receivables at September 30, 2018 consisted of the following:

	<u>General Fund</u>	<u>Municipal Development District</u>	<u>LWV Utility Fund</u>	<u>Rocky Point Utility Fund</u>	<u>Total</u>
Property taxes	\$ 646				646
Sales taxes	2,216	859			3,075
Accounts receivable	—	—	6,789	1,223	8,012
Total receivables	\$ <u>2,862</u>	<u>859</u>	<u>6,789</u>	<u>1,223</u>	<u>11,733</u>

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**TOWN OF LAKEWOOD VILLAGE**

## Notes to the Financial Statements

September 30, 2018

-continued-

**(3) DETAILED NOTES ON ALL FUNDS (continued)****B. Receivables (continued)**

Property taxes are based on the appraised values provided by the Denton County Appraisal District. Taxes are levied by October 1 of each year. Unpaid property taxes become delinquent on February 1 of the following year. Penalty is calculated after February 1 up to the date collected by the government at the rate of 6% for the first month and increase 1% per month up to a total of 12%. Interest is calculated after February 1 at the rate of 1% per month up to the date collected by the government. Under state law, property taxes levied on real property constitute a lien on the real property which cannot be forgiven without specific approval of the State Legislature. The lien expires at the end of twenty years. Taxes levied on personal property can be deemed uncollectible by the Town.

Property taxes are due in full on October 1 and there are no discounts granted. The assessed value as of January 1, 2017, upon which the 2017/2018 levy was based, was approximately 95,399,000. The tax rate for fiscal year 2017/2018 was \$.30 per \$100 of assessed valuation, with \$.25 allocated to maintenance and operation (M&O), and \$.05 allocated to debt service (I&S).

**C. Capital Assets**

Capital asset activity for the year ended September 30, 2018 was as follows:

	Beginning Balance	Additions	Retirements	Ending Balance
Governmental activities:				
Land and improvements	\$ 118,225	5,570		123,795
Buildings & Improvement	63,739	8,691		72,430
Furniture & Equipment	39,057			39,057
Streets	<u>1,921,093</u>			<u>1,921,093</u>
Totals at historical cost	2,142,114	14,261		2,156,375
Less accumulated depreciation	<u>(267,537)</u>	<u>(73,660)</u>		<u>(341,197)</u>
Governmental activities capital assets, net	<u>\$ 1,874,577</u>	<u>(59,399)</u>		<u>1,815,178</u>
Business-type activities:				
LWV Utility:				
Land	\$ 57,553			57,553
Buildings and improvements		21,281		21,281
Equipment	5,824			5,824
Water systems & improvements	1,510,521	11,207		1,521,728
Sanitation systems & improvements	1,484,160	30,193	(15,635)	1,498,718
Construction in progress	<u>6,340</u>		<u>(6,340)</u>	
Totals at historical cost	3,064,398	62,681	(21,975)	3,105,104
Less accumulated depreciation	<u>(1,337,158)</u>	<u>(87,744)</u>	<u>11,206</u>	<u>(1,413,696)</u>
Business-type activities capital assets, net	<u>\$ 1,727,240</u>	<u>(25,063)</u>	<u>(10,769)</u>	<u>1,691,408</u>

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**TOWN OF LAKEWOOD VILLAGE**

Notes to the Financial Statements

September 30, 2018

-continued-

**(3) DETAILED NOTES ON ALL FUNDS**

**D. Long-term Debt**

Bonds Payable

On April 10, 2014 the Town Council approved the issuance of \$1,600,000 of certificate of obligation bonds to fund the construction of concrete roads.

Certificate of obligation bonds issued by the Town are backed by the full faith and credit of the Town. The \$1,600,000 certificates of obligation issued by the Town will be repaid by levy of an ad valorem tax upon all taxable property within the Town and a limited pledge of the net revenues from the operation of the Town's waterworks and sewer system.

Interest expense for the bond issue was \$21,910 for the year ended September 30, 2018.

The following is a summary of changes in bonds payable for the year:

	<u>Beginning</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending</u>	<u>Due in One Year</u>
Governmental Activities Certificates of Obligation Series 2014, 1.99%, 2015-2024	\$ <u>1,178,000</u>	<u>          </u>	<u>(154,000)</u>	<u>1,024,000</u>	<u>158,000</u>
Total governmental activities	\$ <u>1,178,000</u>	<u>          </u>	<u>(154,000)</u>	<u>1,024,000</u>	<u>158,000</u>

Debt Service Requirement to Maturity

The annual debt service requirements to maturity for bonded debt are as follows at year-end:

	<u>Governmental Activities</u>		
<u>Year Ended</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2019	158,000	18,806	176,806
2020	163,000	15,612	178,612
2021	168,000	12,318	180,318
2022	173,000	8,925	181,925
2023	184,000	5,433	189,433
2024	<u>178,000</u>	<u>1,831</u>	<u>179,831</u>
Total	\$ <u>1,024,000</u>	<u>62,925</u>	<u>1,086,925</u>

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# **TOWN OF LAKEWOOD VILLAGE**

Notes to the Financial Statements

September 30, 2018

-continued-

## **(3) DETAILED NOTES ON ALL FUNDS (continued)**

### **E. Interfund Receivables, Payables and Transfers**

The composition of the interfund balances as of September 30, 2018 is as follows:

Interfund transfers:

	General Fund	MDD Fund	LWV Utility Fund	Rocky Point Utility Fund	Total
Transfers In:	\$43,631			8,300	51,931
Transfers Out:		(15,759)	(36,172)		(51,931)
	<u>\$43,631</u>	<u>(15,759)</u>	<u>(36,172)</u>	<u>8,300</u>	<u>      </u>

The transfers to/from the LWV Utility Fund and Rocky Point Utility Fund were to cover administrative expenses incurred by the General Fund on behalf of the utility funds, and funding from the MDD for eligible capital projects in the Rocky Point Utility Fund.

## **(4) OTHER INFORMATION**

### **Risk Management**

The government is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The government is a participant in the Texas Municipal League Workers' Compensation Joint Insurance Fund (WC Fund) and the Texas Municipal League Joint Self-Insurance Fund (Property-Liability Fund), a public entity risk pool operated by the Texas Municipal League Board for the benefit of individual governmental units located within Texas. The government pays an annual premium to the Funds for its workers' compensation and property and liability insurance coverage. The WC Fund and Property-Liability Fund are considered self-sustaining risk pools that provide coverage for its members for up to \$2,000,000 per insured event. There were no significant reduction in insurance coverage from the previous year. Settled claims for risks have not exceeded insurance coverage for the past three years.

## **(5) EVALUATION OF SUBSEQUENT EVENTS**

The Town has evaluated subsequent events through November 26, 2018, the date which the financial statements were available to be issued.

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## **INDIVIDUAL FUND SCHEDULES**



**TOWN OF LAKEWOOD VILLAGE**  
Statement of Revenues, Expenditures, and Changes in Fund Net Position  
Budget and Actual - LWV Utility Funds  
For the Fiscal Year Ended September 30, 2018

	Original <u>Budget</u>	Final <u>Budget</u>	Actual <u>Amounts</u>	Variance with Final Budget Positive <u>(Negative)</u>
<b>OPERATING REVENUES</b>				
Water sales, fees and service charges	\$ 350,660	350,660	341,505	(9,155)
Other income	<u>2,300</u>	<u>2,300</u>	<u>10,333</u>	<u>8,033</u>
Total operating revenues	<u>352,960</u>	<u>352,960</u>	<u>351,838</u>	<u>(1,122)</u>
 <b>OPERATING EXPENSES</b>				
Contract services	51,000	51,000	47,700	3,300
Administrative	91,650	91,650	88,139	3,511
Repairs and maintenance	33,185	38,185	65,967	(32,782)
Miscellaneous	1,550	1,550	9,357	(7,807)
Trash collections	43,000	43,000	41,240	1,760
Capital improvements	75,000	75,000		75,000
Depreciation			<u>90,576</u>	<u>(90,576)</u>
Total operating expenses	<u>295,385</u>	<u>295,385</u>	<u>342,979</u>	<u>(47,594)</u>
 Operating income (loss)	<u>57,575</u>	<u>57,575</u>	<u>8,859</u>	<u>(48,716)</u>
 <b>NONOPERATING REVENUE (EXPENSE)</b>				
Gain/loss on disposition of capital assets			(4,430)	(4,430)
Insurance proceeds			13,783	13,783
Interest income	540	540	864	324
Transfers in/(out)	<u>(40,200)</u>	<u>(40,200)</u>	<u>(27,872)</u>	<u>12,328</u>
Total nonoperating revenue (expense)	<u>(39,660)</u>	<u>(39,660)</u>	<u>(17,655)</u>	<u>22,005</u>
 Change in net position	17,915	17,915	(8,796)	(26,711)
 Net position - beginning	<u>1,871,899</u>	<u>1,871,899</u>	<u>1,871,899</u>	<u>_____</u>
 Net position - ending	\$ <u>1,889,814</u>	<u>1,889,814</u>	<u>1,863,103</u>	<u>(26,711)</u>

**DRAFT**

**OUTDOOR LIGHTING ORDINANCE  
TOWN OF LAKEWOOD VILLAGE,  
TEXAS**



**As Adopted by Ordinance No.XX-XX**

**Date**

**Town of Lakewood Village**

**Ordinance xx-xx**

**AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS,  
REGULATING OUTDOOR LIGHTING FIXTURES; PRESCRIBING  
PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THE  
ORDINANCE, PROVIDING SAVINGS AND REPEALER CLAUSE;  
SEVERABILITY CLAUSE; PROPER NOTICE AND MEETING; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council desires to create a new Outdoor Lighting Ordinance that provides for safe and attractive lighting of private and public property within its town limits; and

**WHEREAS**, the Town of Lakewood Village may have new residential developments in the future and the Town Council believes that a consistent and definitive outdoor lighting ordinance will enhance the unique character of the Town; and

**WHEREAS**, the Town of Lakewood Village is adjacent to the Lake Lewisville wildlife conservation area maintained by the United States and seeks to help protect the natural habitat that depends on the natural cycle of day and night for survival; and

**WHEREAS**, the Town Council seeks to preserve and protect the night-time environment and the heritage of dark skies through responsible outdoor lighting; and

**WHEREAS**, the Town Council seeks to prevent light pollution, including glare, sky glow, light trespass, obtrusive light and energy waste that will protect the health and welfare of the Town's residents, reduce lighting expenses and prevent lighting that would be offensive to neighboring properties; and

**WHEREAS**, the Town Council desires to maintain the value of the Town's scenic and natural resources which are key to the Town's quality of life; and

**WHEREAS**, the Town Council desires to promote sound environmental policies which benefit the Town's residents and serve as a positive example for surrounding municipalities.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF LAKEWOOD VILLAGE, TEXAS:**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 1. Definitions**

For the purposes of this ordinance, terms used shall be defined as follows:

**Adaptive Controls** - Devices such as timers, motion sensors and light-sensitive switches used to actively regulate the emission of light from light fixtures.

**Applicant** - A property owner, tenant or duly authorized agent or representative of the property owner who submits an application for approval required by this ordinance.

**Area Lighting** - Light fixtures located on public or private property that are designed to light spaces including but not limited to parks, parking lots and nature areas.

**ANSI** - The American National Standards Institute is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

**Barn Light** - Commonly referred to as a dusk-to-dawn light and is generally unshielded and used in rural applications.

**Bulb** - A light-emitting device or a structure containing a light source that includes but is not limited to a lamp; also referred to as a “lamp”.

**Code Enforcement Team** – A town administrator and/or officials tasked with the responsibility of identifying deficiencies and taking enforcement action.

**Correlated Color Temperature (CCT)** - A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured kelvins (K).

**Curfew** - A period of time at night during which lighting must be significantly dimmed in output or extinguished in accordance with an expected decrease in human presence.

**Existing Light Fixtures** - Those outdoor light fixtures already installed on the date this ordinance is effective.

**Exterior Lighting** - Temporary or permanent lighting that is installed, located and used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors and intended to light something outside are considered exterior lighting.

**Fixture** - An outdoor lighting assembly containing one (1) or more lamps including any lenses, reflectors and shields designed to direct the light in a defined manner.

**Floodlight** - A light fixture having a wide beam.

**Fully Shielded Fixture** - Outdoor light fixtures shielded or construction so that no light rays are emitted by the installed fixture at angles above the horizontal plane. The bulb is not visible with a shielded light fixture and no light is emitted from the sides of the fixture.

**Glare** - Lighting entering the eye directly from luminaries or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**Holiday Lighting** - Temporary outdoor lighting decorations installed to celebrate a holiday.

**IES** - The Illuminating Engineering Society (formerly IESNA) is a recognized authority on lighting best practices and standards; a professional society of lighting engineers,

including those from manufacturing companies, and others professionally involved in lighting.

**IDA** - International Dark-Sky Association.

**Illuminated Sign** - Any informational or advertising sign that is illuminated by either internal or external means.

**Initial Lamp Lumens** - The number of lumens of light emitted by a lamp when new and not counting any depreciation of output due to the age of the lamp. This information can be found in manufacturer data sheets.

**LED** - Light emitting diode.

**Light Fixture** - The assembly that holds or contains a lamp or bulb and includes elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing and the attachment parts.

**Light Pollution** - Any and all nuisances caused by the adverse effect of manmade light, including, but not limited to, glare, light trespass, sky glow, visual clutter and energy waste, due to excessive or unnecessary artificial light that unnecessarily diminishes the night sky.

**Light Trespass** - Unwanted light falling on public or private property from any location external to that property; generally caused by a light on a property that shines on the property of others.

**Lumen** - A unit of measure that identifies the amount of light emitted per second into a solid angle of one steradian from a uniform source of one candela.

**Luminance** - Light that reaches a surface and other objects; the density of luminous flux incident on a surface measured in lux or foot-candles.

**Luminaire** - The complete lighting unit (fixture) consisting of a lamp, or lamps and ballasts, together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps and to connect the lamps to the power supply.

**Lumens Per Net Acre** - The total number of initial lumens produced by all lamps utilized in outdoor lighting on a developed property by the number of acres. The net acreage of a property is the gross acreage of that property less any acre(s) that are considered undeveloped.

**Major Addition** – An addition/enlargement of 25% or more of the building's gross square footage either with a single construction project or cumulative series of construction projects after enactment of this ordinance. Definition also includes replacement of 25% or more of installed outdoor lighting.

**Nit** - A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. A nit is a common unit of luminance in both the outdoor lighting and outdoor advertising industries.

**Non Conforming** - A structure and outdoor lighting that was installed before the effective date of this ordinance and does not conform to the standards imposed by this ordinance.

**Opaque** - Material that does not transmit light from the internal illumination source. The color of such opaque backgrounds is not restricted.

**Outdoor Lighting** - Night-time illumination of an outside area or object by any man-made device that is located outdoors and produces light.

**Parapet** - A barrier which is an extension of the wall at the edge of a roof, terrace, balcony, walkway or other structure.

**Partially Shielded** - A fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal.

**Private Outdoor Lighting** - Light fixtures located on property owned or controlled by individual persons or families.

**Public Outdoor Lighting** - Light fixtures located on property owned, or controlled by the Town or other governmental entity or entities, including but not limited to streets, highways, alleys, easements, parking lots, parks, playing fields, schools and institutions of higher learning.

**Property Line** - The edges of the legally-defined extent of a property.

**Recessed** - When a light is built into a structure or portion of a structure such that the light is fully shielded and no part of the light extends or protrudes beyond the undersides of a structure or portion of a structure.

**Replacement Lighting** - Lighting installed specifically to replace existing lighting that is sufficiently broken beyond repair.

**Sag-lens/Drop-lens** - Clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

**Searchlight** - Any light fixture having a narrow beam intended to be seen in the sky by an observer on the ground.

**Sky Glow** - The brightening of the nighttime sky caused by the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

**Spotlight** - A narrow strong beam of light that can be directed to illuminate a small area.

**Street Lighting** - Lighting provided for major, collector and local town roads, as well as sidewalks and bikeways, where pedestrians and cyclists are generally present.

**Temporary Outdoor Lighting** - Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

**Trespass Lighting** - Light emitted by a luminaire which falls outside the boundaries of the property on which the fixture is sited.

**Up Lighting** - The most commonly used technique to illuminate structures or parts of structures, trees, walls, waterfalls, fountains and other outdoor objects above the horizontal plane. Light fixtures are ground-mounted and directed upwards, away from the viewer to prevent glare.

**Unshielded** - Any fixture which, as designed or installed, emits all or part of the light above the lowest part of the light fixture.

**Wall Pack** - A type of floodlight mounted on the wall of a building or other structure.

**Watt** - The unit used to measure the electrical power consumption (not the light output of a lamp).

## **Section 2. General**

A. All new and replacement private and public outdoor lighting installed after the date of effect of this ordinance shall comply with its provisions.

B. The town shall change and install all new public outdoor lighting within the city rights of way and on city owned property to meet the requirements of this ordinance when luminaries expire.

C. New public outdoor lighting, including street lighting, shall make use of timers, dimmers, motion sensors and other adaptive controls and shall be substantially dimmed or extinguished by 11 P.M., unless public safety concerns demand otherwise.

D. All outdoor lighting installed on private properties that is affixed to a construction project for which a building permit is required shall conform to the standards established by this ordinance.

E. The Town Council may amend this ordinance from time to time as local conditions change and as changes occur in the recommendations of nationally recognized organizations, such Illuminating Engineering Society (IES) and the International Dark-Sky Association (IDA).

F. Nothing in this ordinance shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass as a form of private nuisance.

G. *Attachment A* includes examples of unacceptable/not compliant and acceptable/compliant outdoor lighting fixtures.

### **Section 3. Existing Light Fixtures**

- A. All public and private outdoor lighting fixtures shall be brought into compliance within ten (10) years of the effective date of this ordinance. The town will assist property owners and/or occupants to correct any nonconforming lighting through consulting with the owner.
- B. If more than 50% of the total appraised value of a structure (as determined from the records of the county's appraisal district) has been destroyed, the structure's existing light fixtures must be removed and shall only be replaced with fixtures that meet outlined standards herein.
- C. All existing private outdoor lighting located on a property that is part of a building permit for a major addition/enlargement of 25% or more of the building gross square footage either with a single construction project or cumulative series of construction projects is required to be brought into conformance with this ordinance before final inspection or issuance of a certificate of occupancy. The applicant shall have a maximum of 180 days from the date of the permit issuance to bring the lighting into conformance.
- D. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the structure's existing outdoor lighting must be removed and may only be replaced in conformity with the standards of this ordinance.

### **Section 4. General Outdoor Lighting**

- A. Lighting at public and private outdoor sports/recreational facilities, including but not limited to playing fields, arenas, tennis courts, play grounds, tracks and swimming pools, shall be shielded such that no light-emitting part of fixtures is visible from any other property and shall provide levels of luminance consistent with IES "Recommended Practice for Sports and Recreational Area Lighting," (IES RP-6-01) or current successor recommendations. Sports lighting shall furthermore cease upon conclusion of scheduled events or 11P.M. (whichever occurs first).
- B. Strobe lights on communication towers and other lights for aerial navigation that are required by the Federal Aviation Administration (FAA) during daytime hours are permitted. Other required night navigational lights shall not be brighter than the minimum required by the FAA.
- C. Outdoor lighting fixtures using lamps or bulbs, regardless of the number of bulbs and level of initial lamp lumens, shall not exceed 3,000 kelvins and meet the following:

	<u>Initial Lamp Lumens</u>	<u>Shielding Requirements</u>
1.	$\leq 1500$	Fully
2.	$\leq 800 \leq 1500$	Partially
3.	$\geq 800$	None



D. All existing and/or new private and public outdoor lighting shall not cause light trespass and shall protect properties from glare and excessive lighting. Outdoor lighting fixtures shall be sufficiently shielded and aimed such that spillage of light onto adjacent properties is minimized and glare from the light emitting and/or reflecting parts of a luminaire is not visible from an adjacent property.

E. Sag-lens, drop-lens and mercury vapor fixtures are prohibited.

F. Searchlights, beacons, laser source and other high-intensity fixtures are prohibited. Additionally, except as otherwise allowed, any lighting that is flashing, blinking, rotating, chasing or rapidly changing in color or intensity is also prohibited.

G. The installation of any barn light fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens.

H. Outdoor up lighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield that will not cause light to extend beyond the structural shield.

I. Light fixtures shall not be located closer to a property line than four (4) times the mounting height of the fixture and shall not exceed the height of adjacent structures.

J. Up lighting and down lighting of up to two (2) flagpoles per private property is permitted:

1. Flagpoles illuminated from below are limited to a height of 25 feet above ground level and shall be illuminated with a single spot-type fixture whose maximum initial output is 52 lumens per foot of height, measured from the light fixture to the top of the flagpole. The maximum output shall be 1,300 lumens and 3,000 kelvins. The fixture shall be mounted perpendicular to the flag pole and the light outputs shall point straight up at the flag.

2. Flagpoles illuminated from above shall utilize a single light fixture, not to exceed 800 initial lamp lumens and 3,000 kelvins, attached to the top of the flagpole.

3. If the flag of the United State of America is displayed during the hours of darkness it should be illuminated as recommended in the United States Flag Code (36 U.S.C. Paragraphs 173, 174).

## **Section 5. Outdoor Signs**

A. The luminous/illuminated surface of individual outdoor sign shall not exceed 200 square feet (18.6 square meters).

B. Outdoor signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must

be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting.

1. Externally Illuminated Signs

- a. In addition to meeting requirements in Section 3, lighting must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads, properties or into the night sky.
- b. Lighting must be mounted at the top of the sign.

2. Internally Illuminated Signs-Lighting Is Visible On Both Sides of Sign:

- a. Only sign copy areas and logos may be illuminated.
- b. Signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.

3. Backlit Illuminated Signs-Only One Side of Sign Lit:

- a. Signs shall be designed such that the light source is not visible.
- b. Signs shall be designed such that harsh, direct illumination does not emanate from the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a “halo” effect around sign copy are allowed.
- c. Signs shall be constructed with a non white background and utilize opaque letters and symbols such that the light emanating from the sign is diffused.

C. Digital Electronic Message Signs with intermittent, scrolling or flashing illumination are permitted only at town administration buildings and educational facilities and are subject to the following:

- 1. Any changes to the face or copy of the sign must have a minimum of eight (8) second interval between changes.
- 2. Between the hours of 11 P.M. - 6 A.M. except for time and temperature:
  - a. There shall be no changes to the face or copy of the sign; and
  - b. The background must be darker than the text.
- 3. LED/electronic message displays are subject to the following:
  - a. Between the hours of 11 P.M. - 6 A.M. signs shall not exceed the maximum lamination level of 100 nits as measured under conditions of a full white display.
  - b. Signs shall be equipped with photo cell sensors that are factory locked to adjust the sign to an appropriate light level during daylight hours and dim the sign at night to the required nit level as stated previously.

- c. The electronic message portion of the sign shall not have a white background.
- d. Signs shall include timers that automatically turn off the digital display.

## **Section 6. Public Right of Way (Street) Lighting**

- A. All residential streetlights shall be fully shielded fixtures of approved historical design, and shall be limited to 1,125 lumens and non residential streetlights to 1,500 lumens unless otherwise specified by the IES “American National Standard Practice for Roadway and Street Lighting” (IES RP-8-14) guidelines.
- B. Adaptive controls shall be utilized that automatically extinguish street lighting, when sufficient daylight is available using a control device or system such as photoelectric switch or equivalent functions from a programmable lighting controller.
- C. All area lighting, parking area lighting, and lighting of recreational facilities shall be level mounted and fully-shielded. Allowable luminance values from IES recommended practices shall be utilized.
- D. Freestanding luminaries shall be no higher than twenty-five feet (25’) above the stand/pole base, except fixtures used for playing fields shall be exempt from height restrictions. Building mounted luminaries shall be attached only to walls and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

## **Section 7. Requirements for New Outdoor Lighting Facilities**

- A. New public outdoor lighting facilities shall adhere to the following requirements:
  - 1. All town-owned outdoor lighting including street lighting shall employ fully-shielded fixtures in order to limit light trespass.
  - 2. When new town-owned buildings and other facilities are constructed, or new town right-of-way are established, the installation of new outdoor lighting fixtures shall be allowed only when (a) specific need related to a hazardous nighttime situation is identified by the town, or (b) lighting is deemed necessary as a matter of ensuring the town’s public health, safety and welfare.
  - 3. When existing town-owned buildings, other facilities and town right-of-way are modified by physical alterations and/or by a change of use, the installation of new outdoor lighting fixtures beyond existing installations shall be allowed only when (a) a specified need related to a hazardous nighttime situation is identified by the town, or (b) lighting is deemed necessary as a matter of ensuring public health, safety and welfare, as is in the best interest of the town.
  - 4. In the event of the establishment of any new residential subdivision where street right-of-ways will be dedicated to the town, the town shall not allow the installation of street lights, except in the case of replacing existing nonconforming street lights. However, in cases where it is determined that street lighting is

deemed necessary in public right-of-ways for the health, safety or welfare of pedestrians, bicyclists and/or motorists, the installation of street lighting shall be permitted. All street lighting shall be (a) fully shielded, (b) meet correlated color temperature requirements, (c) make use of appropriate adaptive controls, and (d) be subject to curfews as directed by the Town Council. A street lighting plan specifying the number and approximate location of street lights and style of fixture shall be included in the final plat and approved by the Town Council.

## **Section 8. Levels of Luminance Required or Permitted at Specific Facilities**

A. For locations and facilities not specified herein, the Town Council shall set acceptable levels of luminance based of IES guidelines.

B. The total combined unshielded and shielded outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any developed residential property shall not exceed 10,000 lumens per net acre.

C. The total combined unshielded and shielded outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any developed public or private non residential property shall not exceed 25,000 lumens per net acre.

D. Outdoor multi-directional aerial sports (baseball, basketball, football and soccer) shall not exceed 100,000 net lumens per acre including any shielded lighting. Such lighting shall make appropriate use of adaptive controls when possible.

## **Section 9. Outdoor Lighting Projects**

A. All subdivision and building permit applications shall include an outdoor lighting plan which includes the following information:

1. Location, type, height, color temperature, lumens output, shielding planned and amount of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to this ordinance.
2. Manufacturer's specification sheets for illustrations, such as contained in a manufacturer's catalog cuts for all existing and proposed light fixtures.
3. A table showing the amount of proposed outdoor lights by fixture, wattage, lumens and lamp type.
4. Site plan with specific measurements in feet for the area to be illuminated.

B. A building official and/or administrator shall review the lighting plan taking into account the factors above and shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation for the decision. The applicant shall not undertake the outdoor lighting project until the lighting plan is approved. If required, additional information may be requested.

C. Upon receipt of residential building permit applications, the town shall provide the homebuilder/applicant with educational materials about this ordinance. The town's

submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this ordinance.

D. Verification that a residential or non residential project has complied with the provisions of this ordinance shall occur during the final electrical inspection by the town building inspector.

E. In the event work is not being performed in accordance with this ordinance, the building inspector shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

F. Variance requests shall be submitted to the Town Council for approval/ disapproval by simple majority vote. In considering requests for variance the Major and Town Council shall consider the following criteria:

1. The degree to which compliance will cause undue hardship for the applicant; and
2. The degree to which the requested variance will result in a non-compliant fixture; and
3. The amount of time the requested variance will be in effect before the fixture comes into compliance; and
4. The degree to which approval of the variance would set a precedent for other such requests; and
5. The effect the variance might have on efforts by the town to attain and/or retain recognition such as a Dark Sky Community or other similar designation.

Note: Applicants requesting a variance must demonstrate under hardship caused by unique circumstances of the property making it impossible to literally comply with the standards of this ordinance. Financial concerns do not comprise a hardship under this ordinance.

G. The Code Enforcement Team that identify deficiencies and enforce existing ordinances shall have the primary enforcement responsibility for ensuring compliance. Current established enforcement processes shall be utilized.

#### **Section 10. Exceptions**

A. Temporary outdoor holiday lighting decorations shall be permitted from November 15 to January 15. Temporary outdoor holiday lighting decorations for other holidays shall also be permitted for a seven day period before a holiday and shall be removed within one week after the holiday. Such lighting shall be minimized after 11P.M.

B. Lighting required by local, state or federal law; for example, motor vehicles.

- C. Temporary emergency lighting needed during activities of law enforcement, fire and other emergency services.
- D. Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- E. Temporary lighting required to save life or property from imminent peril.
- F. Outdoor lighting for which light is produced directly by the combustion of fossil fuels.

## **Section 11. Enforcement and Penalties**

- A. **Enforcement** - The town shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person or entity violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
- B. **Resolution** – If, after investigation, town officials find that any provision of this ordinance is being violated, notice shall be given by hand delivery or certified mail, return receipt requested, of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. Town officials shall be available to assist in working with the violator to correct such violation. If the violation is not abated within the thirty (30) day period, town officials may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of the ordinance and to collect the penalties for such violations.
- C. **Public Nuisance** - Any violation of this ordinance that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited. It is an offense for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.
- D. **Criminal Prosecution Penalty** - It shall be an offense for a person/entity to fail to comply with the standards set forth in this ordinance within 30 days after notice is mailed to them. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding one hundred dollars (\$100.00), except as may be otherwise expressly provided by state law. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Class C misdemeanor.
- E. **Civil Remedies**-Nothing in this ordinance shall be construed as a waiver of the town's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and equity, including, but not limited to the following:
  1. Injunctive relief to prevent specific conduct that violates this ordinance or to require specific conduct that is necessary for compliance with this ordinance;
  2. Notification, intervals, follow-up and enforcement of violations shall follow established procedures utilized for other code violations.

3. A civil penalty up to five hundred dollars (\$500.00) for each day a violation occurs, when it is shown that the defendant was actually notified of the provisions of this ordinance and after receiving notice committed acts in violation of this ordinance or failed to take action necessary for compliance with this ordinance; and other relief as directed by a court with jurisdiction over the matter.

**Section 12. Savings / Repealing Clause**

All ordinances or parts of ordinances that are in conflict with the provisions of this ordinance, and the same are hereby repealed and all other ordinances of the town not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 13. Severability**

**A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect.

**B. Independent Sections**

The town hereby declares that it would have this ordinance, and each section, subsection, clause or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

**Section 14. Proper Notice and Meeting**

It is hereby officially found and determined that the meeting at which this ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**Section 15. Effective Date**

This ordinance shall become effective from and after its date of passage and publication as provided by law.

**ADOPTED AND APPROVED** by the Town Council of Lakewood Village, Texas this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Dr. Mark E. Vargus

Mayor

ATTEST:

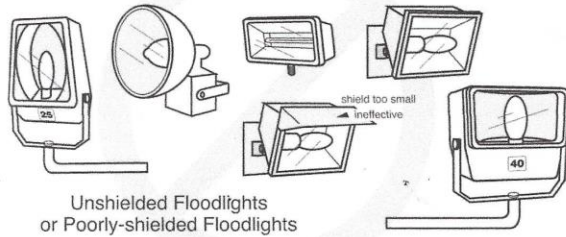
\_\_\_\_\_  
Linda Asbell, [TRMC](#), [CSMC](#)  
Town Secretary

# Attachment A

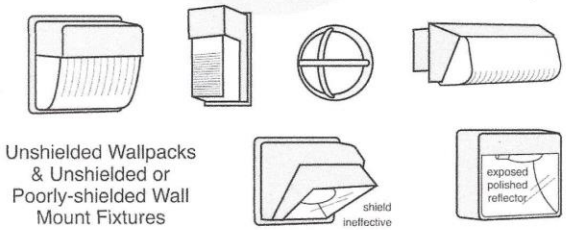
## Examples of Acceptable & Unacceptable Lighting Fixtures

### Unacceptable/Not Compliant

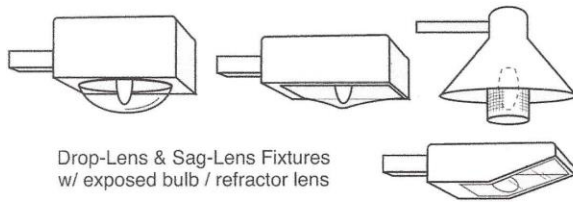
Fixtures that produce glare and light trespass



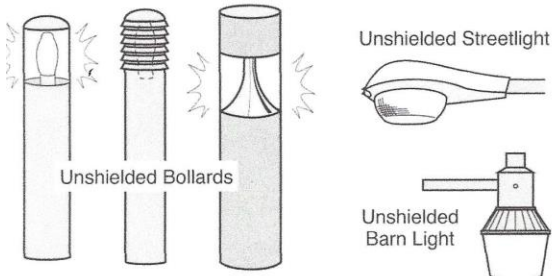
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



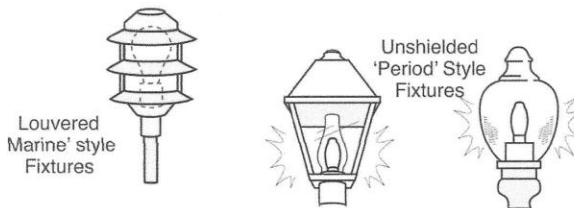
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Streetlight

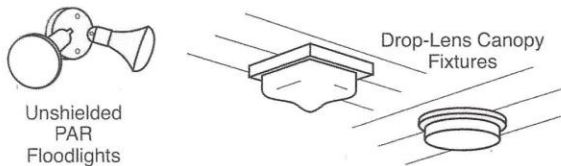
Unshielded Bollards

Unshielded Barn Light



Louvered Marine' style Fixtures

Unshielded 'Period' Style Fixtures

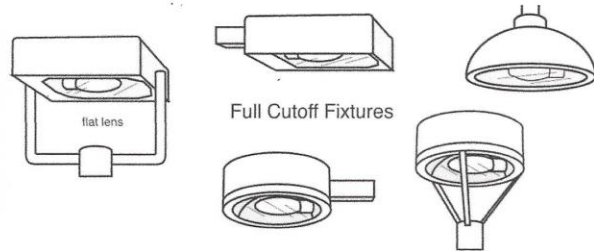


Unshielded PAR Floodlights

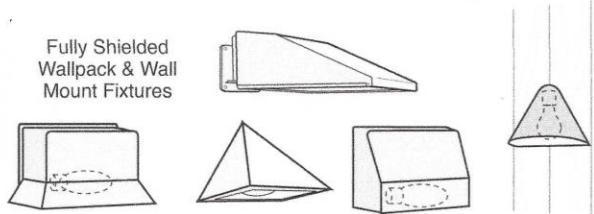
Drop-Lens Canopy Fixtures

### Acceptable/Compliant

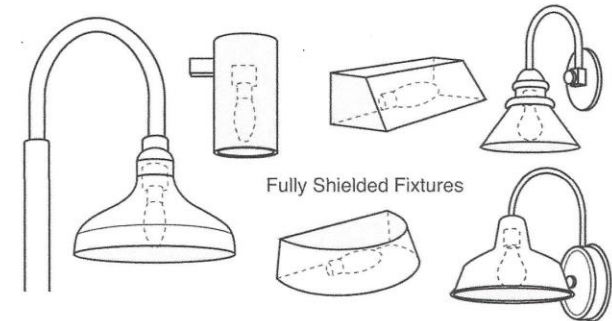
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



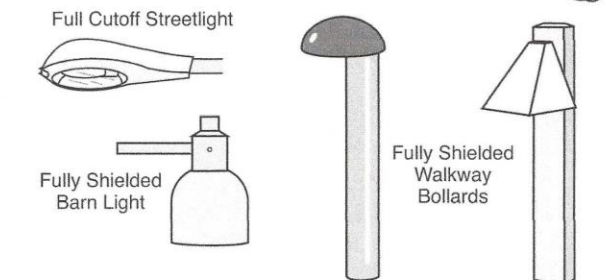
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures



Full Cutoff Streetlight

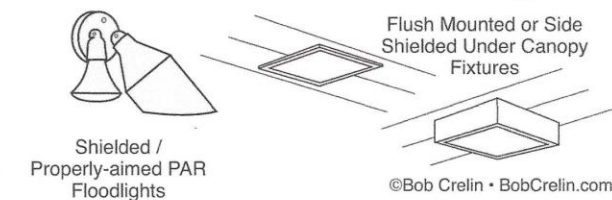
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

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TOWN OF LAKEWOOD VILLAGE, TEXAS  
ORDINANCE NO. ~~10-02~~

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, TO ~~ADOPT TOWN REGULATORY AUTHORIZATION AND GOVERNANCE GUIDELINES BASED ON THE 2009 STATE AMENDMENT TO THE TEXAS TRANSPORTATION CODE KNOWN AS H.B. NO. 2553, SUBCHAPTER F, SEC. 551.401. THE AFOREMENTIONED AUTHORIZES TEXAS MUNICIPALITIES TO GOVERN THE OPERATION OF MOTORIZED CARTS IN THEIR JURISDICTION TO ENSURE THE PUBLIC SAFETY AS DEEMED APPROPRIATE ACCORDING TO THE GUIDELINES SET FORTH BY TEXAS H. B. NO. 2553 PERMIT THE OPERATION OF GOLF CARTS ON TOWN HIGHWAYSTREETS; REQUIRING MANDATORY EQUIPMENT; ESTABLISHING PROVIDING A PENALTY;~~ **PROVIDING A REPEALER, PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Texas Transportation Code ~~H.B. No. 2553- 551.404~~ authorizes the governing body of a municipality to regulate and control the operation of ~~motorized- golf~~ carts (golf carts only) within the town's legal boundaries and on it's public streets to ensure the public safety of the community.

**WHEREAS**, Texas Transportation Code ~~H.B. No. 2553~~ Section 551.404 ~~(b) sets forth specific guidelines and requirements that every local municipal government under subsection (a) is mandated to abide by. H.B. No. 2553 authorizes the governing body of a municipality in addition to regulate and enforce other standards of operation which may be particular to its unique situation requires specific equipment for golf carts to be legally driven on public highwaystreets; and~~

**WHEREAS**, the Town finds that it would be beneficial to its citizens to allow golf carts on its public streets.;

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~~**WHEREAS**, Ordinance 09-14 is hereby repealed in its entirety.~~

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:**

**SECTION 1: DEFINITIONS.**

The following words, terms and phrases when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance except where the context clearly indicates a different meaning:

~~**Driver** means the person driving and having physical control over the motorized cart.~~

~~**Motorized-Golf cart** means those electric and gasoline powered carts, commonly referred to as golf carts, which have a minimum of three wheels and which have an attainable top speed not greater than 30 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, four wheelers, mules, and gators shall be as defined in the Texas Transportation Code 551.401.~~

~~**Owner** means the person holding title to the motorized cart and the person required to register the motorized cart with the Town of Lakewood Village.~~

~~**Parking area** means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.~~

**Street** means the public roadways of the Town of Lakewood Village by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- a) Has a posted speed limit of 35 miles per hour or less; or
- b) Provides for no more than two lanes of vehicular traffic per direction; or
- c) Is not designated as part of either the State or Federal highway system.

## **SECTION 2: REGISTRATION REQUIREMENTS**

~~All motorized golf carts operated on streets and parking areas of the Town must be registered with the Town of Lakewood Village Administration Office located at Town Hall. A registration form will be provided on-line and at town hall for residents to complete and provide the basic information requested. The registration form will require the following specifics:~~

- ~~(1) Name and address of owner.~~
- ~~(2) Brand, model number and motorized cart identification number (VIN #).~~
- ~~(3) Type of motorized cart (gasoline or electric)~~
- ~~(4) Insurance Policy Number~~
- ~~(5) Signature of owner that cart meets equipment requirements.~~

~~Residents will have 90 days to register and bring their carts into compliance upon the ratification date of this ordinance and corresponding public notices.~~

## **SECTION 3. TRANSFER**

~~Upon transfer of ownership of the motorized cart to a person who intends to operate it over authorized streets and parking areas, the new owner must register the motorized cart as outlined in Section 2 within 10 days.~~

## **SECTION 4. ELECTRIC AND GASOLINE ~~MOTORIZED GOLF~~ CART REQUIRED EQUIPMENT.**

- (a) Every ~~motorized golf~~ cart must be equipped as mandated by the Texas Transportation Code, ~~H.B. No. 2553~~ Section 551.404(b), as follows: ~~Subsection (a) and/or required by the Town of Lakewood Village the following:~~
  - (1) ~~Operational~~ headlamps;
  - (2) ~~Operational~~ tail lamps;
  - (3) ~~R~~eflectors;
  - (4) ~~Operational~~ parking brake; and

- (5) ~~Rearview mirrors.~~ (s)

### **SECTION 53. OPERATION REGULATIONS.**

- (a) ~~Motorized- Golf~~ carts shall not be operated on sidewalks (unless designated as cart paths also).
- (b) All ~~motorized- golf~~ carts are entitled to a full use of a lane on the authorized streets and parking areas of the Town and no motor vehicle shall be driven in such a manner as to deprive any ~~motorized- golf~~ cart of the full use of a lane.
- (c) No driver shall operate a ~~motorized- golf~~ cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (d) Rider Capacity: To comply with public transportation safety standards the driver of the golf cart is responsible for ensuring the safety of all passengers. The driver should adhere to the passenger load requirements as specified by the golf cart manufacturer owners manual and the stated seating capacity. All occupants are to be properly seated in properly designed passenger seats while the cart is in motion. No sitting or standing on the rear of a cart is allowed unless said cart is outfitted with the proper seats to accommodate rear passengers.

### **SECTION 64. LIABILITY.**

Nothing in this ordinance shall be construed as an assumption of liability by the Town of Lakewood Village for any injuries to persons, pets or property which may result from the operation of a ~~motorized- golf~~ cart by a registered owner or authorized driver.

Registered owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said ~~motorized- golf~~ cart, both on personal and/or town and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from ~~motorized- golf~~ cart drivers who are minors under the age of 21 with or without a valid Texas driver's license.

### **SECTION 75. OTHER OFF-ROAD VEHICLES.**

Pursuant to Texas Transportation Code 663.037, off highwayroad vehicles, other than motorized carts defined in Section 1 of this ordinance, may not be operated on any street (as defined in Section 1 of this document) in the Town of Lakewood Village. These vehicles include:

- (1) All-Terrain Vehicles (ATVs)
- (2) Utility Type Vehicles (UTVs)
- (3) Recreational Off-Highway Vehicles (ROVs)

### **OPERATION ON PUBLIC ROADWAY PROHIBITED.**

A person may not operate an off-highway vehicle on a public street, road, or highway except as provided by this section.

The operator of an off-highway vehicle may drive the vehicle across a public street, road, or highway that is not an interstate or limited-access highway, if the operator:

- (1) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;
- (2) yields the right-of-way to oncoming traffic that is an immediate hazard; and
- (3) makes the crossing;
  - (a) at an angle of approximately 90 degrees to the roadway;
  - (b) at a place where no obstruction prevents a quick and safe crossing; and
  - (c) with the vehicle's headlights and taillights lighted.
- (4) The operator of an off-highway vehicle may drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another public street, road, or highway.

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## **SECTION 76. ENFORCEMENT AND PENALTIES**

Enforcement of this ordinance and any traffic violations committed by the driver of a motorized golf cart may be enforced by the Denton County Sheriff's Department and by any authorized code enforcement official as specified by the Town mayor. Any person, firm, entity or corporation who violates any provision of this ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Hundred Dollars (\$200.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

## **SECTION 5. SEVERABILITY**

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the town Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the town Council of the Town of Lakewood Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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## **SECTION 6. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its adoption by the Town Council, and publication in accordance with law.

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**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas, this 8th day of ~~14th day of January, 2010.~~ November, 2018.

**APPROVED:**

Ordinance ~~40-0218-~~  
XX

Golf Carts and ATVs/UTVs

Page 4 of 6

~~Mike Schnittker~~ Dr. Mark E. Vargus  
Mayor

**ATTEST:**

Linda Asbell, TRMC, CMC  
City-Town Secretary

**TOWN OF LAKEWOOD VILLAGE GOLF CART  
REGISTRATION FORM**

Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Resident Address: \_\_\_\_\_

Golf Cart Insurance Policy #: \_\_\_\_\_

Golf Cart Brand/Model: \_\_\_\_\_

Golf Cart Serial/VIN #: \_\_\_\_\_

Golf Cart Color: \_\_\_\_\_

Electric/Gas: \_\_\_\_\_

This golf cart meets the required equipment standards set forth by the  
State of Texas and the town of Lakewood Village: (Headlamps, tail  
lamps, reflectors, rearview mirror)

Owner Signature: \_\_\_\_\_

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**TOWN OF LAKEWOOD VILLAGE N  
ORDINANCE 16-10**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS PROVIDING FOR PUBLIC NUISANCES, COMMUNITY APPEARANCE TO PROTECT PROPERTY VALUES, QUALITY OF LIFE AND PUBLIC HEALTH AND SAFETY, AND TO PROVIDE FOR THE CONTROL OF OPEN BURNING; PROVIDING FOR DEFINITIONS; PROVIDING FOR OWNER'S DUTY TO MAINTAIN PROPERTY BY KEEPING PROPERTY FREE AND CLEAR OF NUISANCES INCLUDING WEEDS, BRUSH AND UNSIGHTLY MATTER; DUTY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR NOTICE OF VIOLATION; PROVIDING FOR TOWN ABATEMENT; PROVIDING FOR ADMINISTRATIVE FEES; PROVIDING FOR OFFENSES, PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of Lakewood Village, Texas in order to provide for the general health and welfare of the citizens of this Town is permitted to enact certain rules and regulations; and

WHEREAS, the Town Council of the Town of Lakewood Village, Texas adopts the Texas Health and Safety Code, Chapter 342, Subchapter A, as amended and supplemented by the terms of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

### **Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein. Exhibit “A” herein is for all purposes fully incorporated and set forth herein.

### **Section 2: Repeal**

Nuisance/Burning Ordinance 12-08 is hereby repealed in its entirety. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of the adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

### **Section 3: Penalty Clause**

1. After any required notice to the owner, the failure or refusal to comply with any demand for compliance within the applicable time period shall be deemed as maintaining a public nuisance and the Mayor, Mayor Pro-Tem, Town Administrator/Town Secretary, or the Town Council designee may issue a citation in municipal court and/or file a lien upon and against such real property to include all costs, Town administrative fees, filing fees, charges and expenses. Any owner, as defined herein, violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2000.00 for each offense. Each day a violation of any provision of this ordinance shall continue, it shall constitute a separate offense.

2. The property owner’s failure to comply with this ordinance may result in the Town securing a lien against the property. In this event, the Town will file with the County Clerk a statement of the expenses incurred in correcting the condition of the property. The Town shall have a privileged lien on the property, second only to tax liens and liens for street improvements, together with ten percent (10%) on the delinquent amount from the date such payment was due.

### **Section 4: Severability**

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance



or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5: Savings Clause**

All rights and remedies of the Town of Lakewood Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 6: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 7: Effective Date**

This Ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 8th day of September, 2016.

---

Dr. Mark Vargus  
Mayor

ATTEST:

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Linda Asbell, TRMC  
Town Secretary

**Exhibit A**



**DUTY TO MAINTAIN PROPERTY  
NUISANCE AND BURNING REGULATIONS**

**Adopted: August 11, 2016**

**2.1 DEFINITIONS**

“Builder/Developer/Contractor” shall mean any person(s), firm, corporation or other entity that has been hired by an owner, as defined herein, to perform any new construction, remodel or repair of said property within the corporate limits of the Town of Lakewood Village. If the owner is also the builder/developer/contractor, as defined herein, then the owner is held to the limitations of a builder/developer/contractor as specified in this ordinance.

“Bulk Trash” shall mean any rubbish/brush as defined herein and other large or bulky items approved for collection as “bulk trash” on the designated day as set forth within the contract between the Town of Lakewood Village and the Town’s Solid Waste Collection provider.

“Nuisance” shall mean whatsoever is dangerous to human life or health, whatsoever renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses or that is detrimental to the public health is hereby declared to be a nuisance.

“Owner” shall mean any person(s) or entities owning, claiming, occupying or having supervision or control of any lot, tract, parcel of land, occupied or unoccupied, improved or unimproved, within the corporate limits of the Town of Lakewood Village.

“Rubbish/brush” shall mean lawn trimmings, tree trimmings, trash, debris, rubble, concrete, cement, stone, excess or useless fragments of construction materials, or other miscellaneous useless waste or rejected matter.

“Town” shall mean The Town of Lakewood Village

“Weeds/Vegetation” shall mean vegetation, including grass, that because of its height is objectionable, unsightly or unsanitary, but excluding shrubs, bushes, trees, cultivated flowers, and cultivated crops.

## **SECTION 2**

### **DUTY TO MAINTAIN PROPERTY**

- 2.1 It shall be unlawful for any owner to allow a nuisance of weeds/vegetation, as defined in Section 1 herein, to grow to a height greater than 12 inches upon any real property within one hundred fifty (150) feet of any property line which abuts a Town street right-of-way and within 50 feet from any part of a habitable dwelling.
- 2.2 Any builder/developer/contractor is strictly prohibited from burning any materials within the Town of Lakewood Village including, but not limited to, any rubbish/brush, as defined in Section 1 herein. Burning of any materials shall be prohibited on any construction site.
- 2.3 Also, it shall be unlawful for any builder/developer/contractor to allow a nuisance of rubbish/brush to accumulate or be present upon any real property within the Town of Lakewood Village, unless such nuisance of rubbish/brush is in a covered container designed for such purposes.

- 2.4 It shall be unlawful for any owner to allow a nuisance of rubbish/brush, as defined in Section 1 herein, to accumulate or be present upon any real property within the Town in excess of ten days.
- 2.5 It shall be the duty of any owner to maintain their property in a reasonable neat and orderly fashion. Therefore,
- 2.5.a Outside storage of auto parts, appliances, lawnmowers, bicycles, building materials and motorcycles, or any items that fall within the definition of “nuisance” as defined in Section 1 herein, is strictly prohibited.
- 2.5.b Exterior paint, trim, gutters, down spouts, garage doors, windows, masonry and siding shall be maintained in such a manner so as to be consistent with surrounding homes. In general, an owner shall maintain their property in such a manner as necessary to provide a pleasing appearance to their surrounding neighbors.
- 2.5.c If a building permit is current, it is reasonable to temporarily store, in outside view, such building materials as needed to complete the permitted construction.
- 2.5.d Placement of bulk trash for collection in excess of ten (10) days prior to date of collection as established by Solid Waste Collection contract is strictly prohibited.
- 2.5.e Violation of this section is subject to notice and penalties as described herein.

### **SECTION 3**

#### **RESPONSIBILITY FOR ENFORCEMENT**

Enforcement of this Ordinance shall be the responsibility of the proper State and Denton County authorities; the Mayor, Mayor Pro-Tem and Town Administrator/Town Secretary; and/or any person(s) duly appointed by the Town Council.

### **SECTION 4**

#### **NOTICE OF VIOLATION**

In the event that any owner fails to comply with the provisions of this ordinance, an authorized person or entity pursuant to Section 3, the Town shall give ten (10) days’ notice in writing to such owner, or by certified mail, return receipt requested addressed to such owner at their last known mailing address, demanding compliance with this ordinance. Additionally, pursuant to the Texas Health and Safety Code, Section 342.006, this is the only notice that will be given for the next twelve (12) months. If, within the next twelve (12) months, the same violation(s) occurs

again, the Town, without notice, may take the appropriate actions to bring the property into compliance and assess its expenses as provided by Section 5 herein.

## **SECTION 5**

### **ABATEMENT BY TOWN**

- 5.1 If an owner fails or refuses to comply with the Town's demand for compliance with of this Ordinance within ten (10) days of the notice provided pursuant to Section 4 herein, the Town may do such work or cause the work to be done to bring the real property into compliance with this ordinance.
- 5.2. The expense incurred in correcting any condition of a property in violation of this ordinance shall be paid by the Town and charged to the owner of such property. A statement of the cost incurred by the Town shall be mailed to the owner. Such statement shall be paid by the owner within 30 days of the date of the mailing thereof. In the event that the statement has not been paid within the 30-day period, the Town has the right to exhaust any and all remedies available under this Ordinance and state law.

## **SECTION 6**

### **ADMINISTRATIVE FEE**

In addition to collecting the costs and expenses incurred for correcting any violation(s) involving abatement by the Town, the Town shall charge the minimum of \$100.00 not to exceed a maximum of \$500.00 per occurrence, which sum is hereby found to be the cost to the Town of administering the terms of this ordinance.

## **SECTION 7**

### **OFFENSES, PENALTIES, AND LIENS**

- 7.1 After any required notice to the owner, the failure or refusal to comply with any demand for compliance within the applicable time period shall be deemed as maintaining a public nuisance and the Mayor, Mayor Pro-Tem, Town Administrator/Town Secretary, or the Town Council designee may issue a citation in municipal court and/or file a lien upon and against such real property to include all costs, Town administrative fees, filing fees, charges and expenses. Any owner, as defined herein, violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be

subject to a fine not to exceed \$2000.00 for each offense. Each day a violation of any provision of this ordinance shall continue, it shall constitute a separate offense.

- 7.2 The property owner's failure to comply with this ordinance may result in the Town securing a lien against the property. In this event, the Town will file with the County Clerk a statement of the expenses incurred in correcting the condition of the property. The Town shall have a privileged lien on the property, second only to tax liens and liens for street improvements, together with ten percent (10%) on the delinquent amount from the date such payment was due.

**End of Exhibit A**

**ADOPTION AND SUMMARY OF AMENDMENTS**

<b>Ordinance Number</b>	<b>Date</b>	<b>Summary</b>
00-04A	June 05/2000	• Original Adoption
05-011		• Repealed for historical purposes (never officially took effect)
09-12	Sept. 24, 2009	• Clarified burning restrictions, Repealed
12-08	June 14, 2012	• Clarified areas required to be mowed, Repealed
16-10	Sept 8, 2016	• Introduced time frame for bulk trash to be placed for pick-up

# **NOISE ORDINANCE**

**AN ORDINANCE FOR THE TOWN OF LAKEWOOD VILLAGE, TEXAS, ESTABLISHING NOISE CONTROL WITHIN THE TOWN; PROVIDING FOR THE REGULATION OF NOISE DISTURBANCE WHICH IS DETRIMENTAL TO LIFE OR HEALTH, OR WHICH INTERFERES WITH THE ENJOYMENT OF PROPERTY OR THE PUBLIC PEACE AND COMFORT; DEFINING THOSE NOISES WHICH ARE UNLAWFUL; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY, REPEALING AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council finds that it would be beneficial to our citizens to minimize exposure to the physiological and psychological harm of excessive noise and to protect, promote and preserve the public health, comfort, convenience, safety and welfare; and

**WHEREAS**, it is the intent of the Town Council of Lakewood Village, Texas to control the level of noise in a manner which protects the sleep and repose of citizens and preserves the quality of life and the environment; and

**WHEREAS**, the Town Council finds that noise pollution is a serious concern to all inhabitants of the community, and that it is in the best interest of the citizens of Lakewood Village to adopt this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKEWOOD VILLAGE THAT:**

## **SECTION 1: Purpose.**

The purpose of this Ordinance is to make it unlawful for any person or entity to make, cause to be made, or allow any unreasonably loud and disturbing noise of such a character, intensity and duration as to be detrimental or offensive to the ordinary sensibilities of the citizens of Lakewood Village, and/or which renders the enjoyment of life, health or property uncomfortable or interferes with the public peace and comfort.

## **SECTION 4: Definitions.**

C. Device- Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

E. Motor Vehicle - Any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semi-trailer, camper, motorcycle, mini-bike, go-cart, dune buggy or racing vehicle.

F. Noise Disturbance - Any sound which annoys or disturbs, or which causes or tends to cause an adverse psychological or physiological effect upon, the sensibilities of a reasonable, prudent, adult person; any unreasonably loud or disturbing noise which is offensive to the sensibilities of a reasonable, prudent, adult person; and any unreasonably loud or disturbing noise which renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.



G. Noise Disturbance Per Se - Not requiring extraneous evidence or support to establish the existence of a noise disturbance.

H. Person - Any individual, firm, association, partnership, corporation or any other entity, public or private.

J. Power Equipment - Any motorized electric or fuel powered equipment, including but not limited to, tractors, lawnmowers and other similar device or equipment.

L. Property Boundary - An imaginary line exterior to any enclosed structure, at the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

M. Quiet Zone - Property on which a school, hospital, clinic, library or other noise disturbance sensitive facility is operated

## **SECTION 5: Specific Noise Disturbance Prohibited.**

A. No person shall allow, make or cause to be made any unreasonably loud or disturbing noise in Lakewood Village which is offensive to the sensibilities of a reasonable, prudent adult person, renders the enjoyment of life or property uncomfortable, interferes with public peace and comfort, or causes a noise disturbance as defined herein.

B. The following list includes, but is not limited to, activities which can create unreasonably loud or disturbing noises in violation of this Ordinance, including activities which are noise disturbances per se,

**1. Animals** - Owning, keeping, possessing, or harboring any animal or animals which, by frequent or habitual noise making, unreasonably disturbs or interferes with the peace, comfort or repose of the citizens of Lakewood Village, or causes a noise disturbance as defined herein. The provisions of this Ordinance shall apply to all private or public facilities including any animal shelter or commercial kennel which hold or treat animals.

### **2. Radios, television sets, musical instruments, loud speaking amplifiers and similar devices.**

a. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound within a residential district or quiet zone, or within five hundred feet (500') of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.

b. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound within a non-residential area in such a manner as to cause a noise disturbance.

c. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device that produces or reproduces sound for the purpose of attracting attention to any cause or demonstration, or to any performance, show, sale or display of merchandise so as to attract attention to such cause, demonstration or premises when such use is done in a manner which causes a noise disturbance.

d. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device on trucks or other moving vehicles for the purpose of attracting attention to any cause or demonstration, or for advertising any show, sale or display of merchandise when such use is done in a manner which causes a noise disturbance.

**3. Vehicular Sound Amplification Systems** - Operating or controlling a motor vehicle in either a public or private place within the city and operating any sound device which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of thirty feet (30'), or when operated, causes a person to be aware of the vibration accompanying the sound at a distance of thirty feet (30') from the source when such operation is done in a manner which causes a noise disturbance.

**4. Yelling, Shouting, Etc.** - The yelling, shouting, crying, whistling or singing of peddlers, hawkers or any other person within Lakewood Village in such a manner as to cause a noise disturbance.

**5. Loading Operations** - The loading or unloading of any vehicle within Lakewood Village in such a manner as to cause a noise disturbance.

**7. Power Equipment** -

Operating or permitting to be operated any power equipment (as defined herein and excluding construction equipment which is specifically regulated by Paragraph 6 above) within a residential district or quiet zone, or within five hundred feet (500') of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.

**11. Impulsive Sources** - Causing impulsive sound sources including, but not limited to, the use of fireworks, explosives, the firing of guns or other explosive devices within Lakewood Village in such a manner as to cause a noise disturbance. This is not intended to preclude any existing ordinances prohibiting such acts.

**14. Quiet Zone** - Creating a noise disturbance on any street adjacent to any school, hospital, clinic, library or other noise sensitive facility.

**15. Vibration** - Using or causing the use of any device that creates any ground vibration which is perceptible without instruments at any point on or beyond the property boundary of the source.

**16. Stationary Non-Emergency Signaling Devices** - Sounding or permitting the

sounding of any electronically activated or amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place for more than five (5) minutes during any consecutive sixty (60) minute period which causes a noise disturbance. Except such signaling device is allowed if used as a danger signal, and/or as required by law if vehicle is backing, starting or turning in such a way as to likely cause a collision.

### **SECTION 9: Penalty.**

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not more than Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

### **SECTION 10: Injunctive Relief.**

In addition to and accumulative of all other penalties, Lakewood Village shall have the right to seek injunctive relief for any and all violations of this Ordinance.

### **SECTION 11: Severability Clause.**

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

### **SECTION 12: Repealing and Saving Clauses.**

All Ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of conflicting ordinances shall remain in full force and effect.

### **SECTION 13: Effective Date.**

This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF  
LAKEWOOD VILLAGE, TEXAS on this DAY   xxx

**TOWN OF LAKEWOOD VILLAGE  
ZONING ORDINANCE 18-xx14-04**

**AN ORDINANCE ADOPTING A COMPREHENSIVE ZONING ORDINANCE FOR THE TOWN OF LAKEWOOD VILLAGE, TEXAS; ESTABLISHING ZONING DISTRICTS, REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENTIAL AND OTHER PURPOSES, THE DENSITY OF POPULATION, THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS STRUCTURES AND LAND WITHIN SUCH DISTRICTS, INCLUDING THE HEIGHT, NUMBER OF STORIES, SIZE AND APPEARANCE OF BUILDINGS AND OTHER STRUCTURES; REGULATING LANDSCAPING AND THE SIZE OF YARDS AND OTHER OPEN SPACES; PROVIDING PARKING REQUIREMENTS; PROVIDING FOR THE REGULATION OF NONCONFORMING USES AND FOR THE AMORTIZATION THEREOF; ADOPTING AN OFFICIAL ZONING MAP; PROVIDING FOR THE ISSUANCE OF CERTIFICATES OF OCCUPANCY AND BUILDING PERMITS; DEFINING CERTAIN WORDS AND PROVIDING FOR THE INTERPRETATION OF THE ORDINANCE; PROVIDING FOR AMENDMENTS AND CHANGES PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEALING ORDINANCE NO. 13-09 AS AMENDED; PROVIDING A SEVERABILITY CLAUSE; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 211 of the Local Government Code, the Town of Lakewood Village ("Town") has the authority to adopt a Comprehensive Zoning Ordinance and map regulating the location and use of buildings, structures, and land for business, industry, residence and other purposes; and

**WHEREAS**, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the Town; and

**WHEREAS**, the zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements; and

**WHEREAS**, the zoning districts 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 appropriate 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; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated as if fully set forth herein.

**Section 2: Adoption**

The Comprehensive Zoning Ordinance attached hereto as Exhibit A is hereby adopted as the zoning ordinance for the Town.

**Section 3: Repeal**

Zoning Ordinance [14-0413-09](#), [Zoning Section 6-99-04](#) and [Comprehensive Zoning 99-03](#) are hereby repealed in ~~its~~<sup>their</sup> entirety.

**Section 4: Penalty Clause**

**A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

**B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

### **Section 5: Legal Rights**

The penal provision imposed under this Zoning Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

### **Section 6: Severability**

#### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Zoning Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Zoning Ordinance shall remain in full force and effect.

#### **B. Independent Sections**

The Town hereby declares that it would have passed this Zoning Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

### **Section 8: Effective Date**

This Ordinance shall become effective from and after its date of passage as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the ~~12th~~ day of ~~June~~, 20~~14~~.

Dr. Mark E. Vargus~~Mike Schnittker~~  
Mayor

ATTEST:

Linda Asbell, TRMC, CMC  
Town Secretary

APPROVED AS TO FORM:•

W. Andrew Messer  
Town Attorney

**EXHIBIT A**

DRAFT



## ZONING ORDINANCE

First Public Hearing: [May 08, 2014](#)

Second Public Hearing: [May 22, 2014](#)

Third Public Hearing: [June 12, 2014](#)

Adopted: [June 12, 2014](#)



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## SECTION 1: GENERAL PROVISIONS

### 1.1. ZONING DISTRICT MAP

#### 1.1.1. Zoning Districts Shown on the Zoning District Map

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map of the Town, adopted as part of this ordinance as fully as if the same were set forth herein detail.

#### 1.1.2. Official Zoning District Map

##### A. Official Zoning District Map Filing

One original of the Zoning District Map shall be filed in the office of the Director and labeled as Ordinance Number 18-xx14-04. This copy shall be the "Official Zoning District Map" and shall bear the signature of the Mayor and attestation of the Town Secretary.

##### B. Official Zoning District Map Management

1. The Official Zoning District Map shall not be changed in any manner except as amended by the Town Council as provided herein.
2. In case of any question, the Official Zoning District Map, together with amending ordinances, shall be controlling.

##### C. Zoning Map Reproductions

1. Reproductions for informational purposes may be made of the Official Zoning District Map.

### 1.2. ZONING DISTRICT BOUNDARIES

#### 1.2.1. District Boundary Interpretation Rules

The district boundary lines shown on the Official Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

##### A. Centerlines

Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.

##### B. Platted Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

##### C. Town Limits

Boundaries indicated as approximately following City limits shall be construed as following city limits.

##### D. Shore Lines



Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.

**E. Parallel to or Extensions of Features**

Boundaries indicated as a parallel to or extensions of features indicated in Subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.

**F. Vacated Public Way**

Whenever any street, alley, or other public way is vacated by official action of the Town Council, the vacated area shall be rezoned according to Amendments to the Zoning Ordinance.

**G. Boundary as Condition of Zoning Approval**

The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

**H. Zoning Ambiguity**

Where physical features on the ground conflict with information shown on the Official Zoning District Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections (A) through (G), the property shall be considered as classified, Single Family, District 5, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in section 6.1 ZONING UPON ANNEXATION for temporarily zoned areas.

**1.3. COMPLIANCE REQUIRED / INTERPRETATION / RULES OF CONSTRUCTION**

**1.3.1. Compliance Required**

**A. Applicability**

Compliance with the Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the Town which are hereafter:

1. Occupied,
2. Used,
3. Erected,
4. Altered,
5. Removed,
6. Placed,
7. Demolished, or
8. Converted



**B. Compliance with Zoning District**

The land, buildings, structures or appurtenances described in section 1.3.1.A Applicability shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as established by ordinance.

**1.3.2. Interpretation**

**A. Restrictiveness**

Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern. Notwithstanding the foregoing, the Town may, but is not required to, seek enforcement of a more restrictive regulation imposed by a person or entity other than the Town.

**B. Abrogation**

The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

**C. Error Correction**

In the event that any property or Zoning District set forth on the Zoning District Map as provided in section 1.1 ZONING DISTRICT MAP of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District map may be amended and/or supplemented according to the following:

**1. Applicants**

The property owner of said tract or Town staff may submit an application to the Town Council to initiate the error correction process.

**2. Process**

The error correction shall be processed as a zoning map or text amendment according to section 6.5 AMENDMENTS TO THE ZONING ORDINANCE / DISTRICTS AND ADMINISTRATIVE PROCEDURES.

**D. Building Inspector Authority to Interpret the Zoning Ordinance**

1. Unless specified within in a section, the Building Inspector shall have the authority to interpret and enforce the Zoning Ordinance.

2. A person aggrieved by the Building Inspector's interpretation may appeal the interpretation to the Town Council pursuant to 6.14 APPEALS AND THE APPEAL PROCESS.



### 1.3.3. Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

#### A. Number

The words in the singular shall include the plural and words in the plural shall include the singular;

#### B. Tense

The present tense includes the past and future tenses and the future the present;

#### C. Mandatory and Permissive Language

The word “shall” and “must” are mandatory while the word “may” is permissive;

#### D. Gender Terms

The masculine gender includes the feminine and neuter;

#### E. Parentheses

Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word;

#### F. Conflicts

If there is an expressed conflict:

- 1) The text of this ordinance controls over the charts or any other graphic display in this ordinance; and
- 2) The use regulations control over the district regulations in this ordinance.

## 1.4. NONCONFORMING USES AND STRUCTURES

### 1.4.1. Intent of Provisions

#### A. Existence of Nonconformities

1. The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots and/or structures which do not conform to currently applicable standards or regulations, but which were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

a. Nonconformities occur in three (3) general categories, or combinations thereof.

1. Land may be used in a nonconforming manner.
2. A lot can be nonconforming as to lot area or dimension requirement.
3. A structure can be nonconforming as to setback, height, lot area, or dimension requirement.

2. It is the declared intent that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the



property rights of the person affected, the public welfare, and the character of the surrounding area.

**B. Limit Incompatibility**

It is further the intent that nonconforming uses shall not be:

1. Enlarged upon,
2. Expanded or extended, or
3. Used as a basis for adding other structures or uses prohibited elsewhere in the same district.

**C. Incompatible Uses**

Notwithstanding anything to the contrary, nonconforming uses are hereby declared incompatible with the permitted uses in the districts involved.

**1.4.2. Establishment of Legal Nonconforming Status**

**A. Existence**

For purposes of interpretation of this subsection, any uses, structures and/or lots which in whole or part are not in conformance with current zoning standards shall be considered as follows.

**1. Legal Nonconforming**

Those uses, structures or lots which in whole or part are not in conformance with current regulations, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection.

**2. Illegal**

Those uses, structures or lots which in whole or part are not in conformance with current regulations and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

**B. Time of Adoption**

Any use, platted lot, and/or structure which is lawful at the time of the adoption of any amendment to this ordinance but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.

**C. Annexation**

A use, platted lot and/or structure that was lawfully commenced and in existence at the time of annexation to the Town and has since been in regular and continuous use shall be deemed legal nonconforming.

**1.4.3. Burden of Demonstration**

The burden of establishing that any use, structure or land is nonconforming as defined in this subsection shall be borne by the owner or proponent of such legal nonconforming use, structure or land.

**1.4.4. Continuing Lawful Use of Property and Existence of Structures****A. Abandonment of Nonconforming Use**

If a nonconforming use on a particular parcel of land shall cease operations for a period of more than six (6) months, then such nonconforming use shall be presumed to be permanently abandoned. Unless the Town Council determines, upon evidence presented by the owner that the nonconforming use or structure was not abandoned, or unless the Town Council reinstates the nonconforming rights pursuant to section 6.10 REINSTATEMENT OF NONCONFORMING RIGHTS of this Ordinance, such a use shall not be instituted or continued on that parcel or other parcel in any district which does not permit the discontinued use. For the purpose of this paragraph, to “cease operations” shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

**B. Reinstatement of Nonconforming Use Rights**

An owner and/or operator of a nonconforming use that has been deemed permanently abandoned pursuant to 1.4.1.A may request that the nonconforming rights to the use be reinstated pursuant to section 6.10 REINSTATEMENT OF NONCONFORMING RIGHTS of this Ordinance.

**C. Prohibited Expansion or Reoccupation**

A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this ordinance except as provided in 1.4.6 Expansion of Nonconforming Uses and Structures.

**D. Single Family Residential Use**

1. Conforming single family residential uses on platted lots approved prior to June 12, 2014, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this ordinance as long as the use of the lot is allowed in the respective district.
2. Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this ordinance shall be met, or the lot shall be considered nonconforming.

**E. Existing Platted Lots are Conforming Lots**

Any existing vacant lot platted prior to June 12, 2014, which was legally conforming, shall be deemed a conforming lot.

**1.4.5. Changing Uses and Nonconforming Rights****A. Nonconforming Use to Conforming Use**

Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

**B. Nonconforming Use to Another Nonconforming Use**





A nonconforming use may not be changed to another nonconforming use.

C. Conforming Use in a Nonconforming Structure

Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in 1.4.6 Expansion of Nonconforming Uses and Structures.

**1.4.6. Expansion of Nonconforming Uses and Structures**

An expansion of a nonconforming use or structure is allowed in accordance with the following.

A. Nonconforming Use Expansion in Existing Building

A nonconforming use located within a building may be extended throughout the existing building, provided.

1. No structural alteration, except as provided in 1.4.1.E may be made on or in the building except those required by law to preserve such building in a structurally sound condition.
2. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

B. Nonconforming Use Prohibited from Expansion beyond Existing Building

Nonconforming use within a building shall not be extended to occupy any land outside the building.

C. Off-Street Loading and Parking

Nonconforming use of land or building shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.

D. Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to June 12, 2014, may be used for a single family dwelling.

E. Expansion of Nonconforming Buildings with Conforming Uses

Buildings or structures which do not conform to the area regulations or development standards in this ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten (10) percent from the date when the building became nonconforming.

F. Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed

Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use.



#### **1.4.7. Restoration of Nonconforming Structures**

##### **A. Total Destruction**

If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.

##### **B. Partial Destruction**

In the case of partial destruction of a nonconforming structure not exceeding fifty-one (51) percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

#### **1.4.8. Movement of Nonconforming Structures**

##### **A. Relocation of a Nonconforming Structure within a Platted Lot**

Nonconforming structures may be relocated within the same platted lot.

##### **B. Compliance**

Nonconforming structures shall comply with all setback and screening requirements.

#### **1.4.9. Completion of Structures**

Nothing herein contained shall require any change in the plans, construction, or designated use of the following.

##### **A. Approved Building**

A building or structure for which a building permit has been issued or a Site Plan approved prior to June 12, 2014.

##### **B. Building in the Approval Process**

A building or structure for which a complete application for a building permit was accepted by the Building Inspector on or before the effective date of these regulations, provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

**SECTION 2: ZONING DISTRICTS****2.1. ZONING DISTRICTS ESTABLISHED**

The Town is hereby divided into the following zoning districts. The use, height and regulations are set out herein apply to each district. The districts established herein shall be known as the following:

**Table 2.1: Zoning Districts Table**

Document Section	District ID	District Name
<b>Residential Zoning Districts</b>		
2.3.1	1	Single Family Residential – District 1
2.3.2	2N / 2S	Single Family Residential – District 2N / 2S
2.3.3	3	Single Family Residential – District 3
2.3.4	4	Single Family Residential – District 4
2.3.5	5	Single Family Residential – District 5
2.3.6	6	Single Family Residential – District 6
<b>Commercial Zoning Districts</b>		
		None
<b>Special Zoning Districts</b>		
6.12	PD	Planned Development
6.13	SUP	Special Use Permit



## 2.2. EQUIVALENCY TABLE

The following table will identify zoning districts adopted in previous Ordinances and the District which now applies in this Ordinance to those Districts.

**Table 2.2: Zoning Equivalency Table**

Prior to Ordinance 14-04	Ordinance 14-04
<b>Section 1</b>	Single Family Residential – District 1
<b>Section 2</b> Block H Lots 1-6, Block J Lots 1-12, Block K lots 1-11 & Block L Lots 1-5	Single Family Residential – District 2N
<b>Section 2</b> Block L Lots 6-13, Block M Lots 1-7 & Block B Lots 38-43	Single Family Residential – District 2S
<b>Section 3</b> Block N Lots 27-33, Block P Lots 1-18 & Block R Lots 1-4	Single Family Residential – District 3
<b>Section 3</b> Block N Lots 1-26	
<b>Section 3</b> Block M Lots 8-14	
<b>Section 4</b>	Single Family Residential – District 4
<b>Section 5 - Single Story Residence</b> 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	Single Family Residential – District 5
<b>Section 5 - Two Story Residence</b> 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	
<b>Section 5 - Single Story</b> Block A Lots 23-34, Block C Lots 5-16, Block D Lot 13, Block E Lot 1-20 & Block F Lot 1-2	
<b>Section 6</b> Single Story Residence	Single Family Residential – District 6
<b>Section 6</b> Two Story Residence	



## **2.3. RESIDENTIAL ZONING DISTRICTS**

### **2.3.1. Single Family Residential – District 1**

#### **A. General Purpose and Description**

District 1 is intended to provide a residential environment for single family detached dwellings on parcels of land having a minimum lot area of seven thousand five hundred (7,500 ft<sup>2</sup>) square feet.

#### **B. Permitted Uses**

Permitted uses are outlined in section 3.1 USE OF LAND AND BUILDINGS.

#### **C. Area Regulations**

Property and buildings shall conform to the related standards listed within section 2.4 DEVELOPMENT STANDARDS.

### **2.3.2. Single Family Residential – District 2N / 2S**

#### **A. General Purpose and Description**

District 2 is intended to provide a residential environment for single family detached dwellings on parcels of land having a minimum lot area of nine thousand five hundred (9,500 ft<sup>2</sup>) square feet.

#### **B. Permitted Uses**

Permitted uses are outlined in section 3.1 USE OF LAND AND BUILDINGS.

#### **C. Area Regulations**

Property and buildings shall conform to the related standards listed within section 2.4 DEVELOPMENT STANDARDS.

### **2.3.3. Single Family Residential – District 3**

#### **A. General Purpose and Description**

District 3 is intended to provide a residential environment for single family detached dwellings on parcels of land having a minimum lot area of ten thousand (10,000 ft<sup>2</sup>) square feet.

#### **B. Permitted Uses**

Permitted uses are outlined in section 3.1 USE OF LAND AND BUILDINGS.

#### **C. Area Regulations**

Property and buildings shall conform to the related standards listed within section 2.4 DEVELOPMENT STANDARDS.

### **2.3.4. Single Family Residential – District 4**

#### **A. General Purpose and Description**

District 4 is intended to provide a residential environment for single family detached dwellings on parcels of land having a minimum lot area of forty-three thousand five hundred sixty (43,560 ft<sup>2</sup>) square feet.



B. Permitted Uses

Permitted uses are outlined in section 3.1 USE OF LAND AND BUILDINGS.

C. Area Regulations

Property and buildings shall conform to the related standards listed within section 2.4 DEVELOPMENT STANDARDS.

D. Other Regulations

The use of an alley to provide secondary access to rear or side yards of multiple properties is prohibited.

**2.3.5. Single Family Residential – District 5**

A. General Purpose and Description

District 5 is intended to provide a residential environment for single family detached dwellings on parcels of land having a minimum lot area of forty-three thousand five hundred sixty (43,560 ft<sup>2</sup>) square feet.

B. Permitted Uses

Permitted uses are outlined in section 3.1 USE OF LAND AND BUILDINGS.

C. Area Regulations

Property and buildings shall conform to the related standards listed within section 2.4 DEVELOPMENT STANDARDS.

**2.3.6. Single Family Residential – District 6**

A. General Purpose and Description

District 6 is intended to provide a residential environment for single family detached dwellings on parcels of land having a minimum lot area of forty-three thousand five hundred sixty (43,560 ft<sup>2</sup>) square feet.

B. Permitted Uses

Permitted uses are outlined in section 3.1 USE OF LAND AND BUILDINGS.

C. Area Regulations

Property and buildings shall conform to the related standards listed within section 2.4 DEVELOPMENT STANDARDS.

D. Other Regulations

The use of an alley to provide secondary access to rear or side yards of multiple properties is prohibited.



## 2.4. DEVELOPMENT STANDARDS

### 2.4.1. Purpose

The purpose of this section is to establish area regulations and development standards for each zoning district.

### 2.4.2. Establishment of Area Regulations and Standards

Reference Table 2.4: Residential Districts Development Standards Table.

### 2.4.3. Additional Area Regulations and Standards

Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of this Zoning Ordinance.

### 2.4.4. Maximum Impervious Surface

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent coverage or twenty-five (25) percent coverage for corner lots of the area between the front property line and any front building wall.

### 2.4.5. Landscape Requirements – New Construction

#### A. Single Family Districts

Landscaping is required for all new construction.

**Table 2.3: Single Family Planting Requirements**

Lot Size (ft <sup>2</sup> )	Number of Trees	Number of Shrubs
7,500 → 33,000	2	10
> 33,001	3	15

1. Ground cover shall be planted in the front, side and rear yards of all residential lots. Ground cover includes, but is not limited to: grasses, mulched planter beds, and hardscape;
2. The required trees and shrubs shall be planted in the front yard. Existing trees may be counted toward the minimum requirement. Refer to Table 2.3: Single Family Planting Requirements.
3. All landscaping required above shall be planted prior to issuance of the certificate of occupancy or final inspection for the dwelling.
4. Artificial plants or turf are expressly prohibited.

#### B. Recommended Tree and Shrub Size

Trees should be a minimum of three (3) inch caliper in size and shrubs should be a minimum of three (3) gallon in size.

### 2.4.6. Irrigation System – New Construction

#### A. Single Family Districts



Irrigation shall be required for all trees and shrubs in areas between the front building face and the street and the on corner lots, for all trees and shrubs in areas between the front building face and the street and the side building face and the street.

**B. Recommended Irrigation Method**

Trees and shrubs should be irrigated by bubbler irrigation lines. Other landscaping may be irrigated by spray irrigation. Separate valves should be provided to turn off the spray irrigation lines during periods of drought or water conservation. All valves should be controlled by an automatic watering system designed for watering for a specified amount of time at a specified time of day.

**2.4.7. Garages**

**A. Single Family**

Each single family lot shall have a minimum of two (2) enclosed garage parking spaces.

**B. Front Facing**

Front or street facing garages shall be prohibited.

**C. Minimum Size**

There shall be a minimum garage size on all new construction of twenty-five (25) feet in width and twenty-two (22) feet in depth.

**D. Exceptions**

1. Where the configuration of the lot is such that conformity with this provision of this ordinance would create a hardship, the Town Council may allow a variance for the lot in question. The variance is only applicable to the submitted site plan and shall be null and void if a new site plan is submitted.
2. Corner lots in Districts 1, 2N, 2S and 3 shall be permitted a front facing garage such that the front of the house and the front of the garage are not facing the same street.

**2.4.8. Driveways**

All new building construction shall have a concrete paved driveway.

**A. Size**

There shall be two (2) parking spaces provided behind the front property line only for the purpose of allowing on-site stacking or maneuvering to the enclosed spaces.

1. Driveways shall be a minimum of ten (10) feet wide in districts zoned less than one acre.
2. Driveways shall be a minimum of twelve (12) feet wide in districts zoned greater than or equal to one acre.

**B. Enhanced Pavement**

Driveways and entryway sidewalks may incorporate a decorative paving technique:





1. Exposed aggregate;
2. Stamped or patterned concrete; or
3. Brick or pave stone inlays.

The following enhancements are prohibited;

1. Painting;
2. Staining; or
3. The use of ready-mix pigments.

C. Enclosed Parking and Stacking Spaces

1. Districts with required enclosed parking and stacking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long.
2. Required enclosed parking and stacking spaces shall remain clear of any encroachments.

D. Circular Driveways

Circular driveways shall be designed to accommodate any required parking behind the front building line.

E. Encroachment into Setbacks

[Refer to Section 4.3.4 Side Yard Set Back.](#)



Table 2.4: Residential Districts Development Standards Table

Development Standards	1	2N	2S	3	4	5	6
<b>Setbacks</b>							
Minimum Front Yard	20 ft	20 ft	20 ft	20 ft	30 ft	30 ft	30 ft
Minimum Side Yard – Dwelling or Accessory Structure	7 ft	7 ft	7 ft	7 ft	12 ft	12 ft	12 ft
Minimum Rear Yard – Dwelling or Accessory Structure	--	--	--	--	20 ft	--	20 ft
Minimum Side Yard – Pool and/or Spa	10 ft	10 ft	10 ft	10 ft	12 ft	12 ft	12 ft
Minimum Rear Yard – Pool and/or Spa	10 ft	10 ft	10 ft	10 ft	20 ft	10 ft	20 ft
<b>Lot Dimensions</b>							
Minimum Area	7,500 ft <sup>2</sup>	9,500 ft <sup>2</sup>	9,500 ft <sup>2</sup>	10,000 ft <sup>2</sup>	43,560 ft <sup>2</sup>	43,560 ft <sup>2</sup>	43,560 ft <sup>2</sup>
Minimum Width	60 ft	70 ft	70 ft	70 ft	90 ft	90 ft	90 ft
<b>Dwelling – Non Waterfront Lots</b>							
Minimum Dwelling Area – Single Story	1,000 ft <sup>2</sup>	1,200 ft <sup>2</sup>	1,800 ft <sup>2</sup>	1,200 ft <sup>2</sup>	1,800 ft <sup>2</sup>	2,400 ft <sup>2</sup>	2,400 ft <sup>2</sup>
Minimum Ground Floor Dwelling Area – Two Story	1,000 ft <sup>2</sup>	1,200 ft <sup>2</sup>	1,800 ft <sup>2</sup>	1,200 ft <sup>2</sup>	1,800 ft <sup>2</sup>	3,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
Maximum Height / Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5
<b>Dwelling – Waterfront Lots</b>							
Minimum Dwelling Area – Single Story	2,000 ft <sup>2</sup>	--	--	1,800 ft <sup>2</sup>	1,800 ft <sup>2</sup>	3,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
Minimum Ground Floor Dwelling Area – Two Story	2,000 ft <sup>2</sup>	--	--	1,800 ft <sup>2</sup>	1,800 ft <sup>2</sup>	3,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
Maximum Height / Stories	2.5	--	--	2.5	2.5	2.5	2.5
<b>Dwelling – All</b>							
Minimum Elevation (above mean sea level)	540 ft						
Roofing Material	Wooden Shingles Prohibited						

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**SECTION 3: LAND USES****3.1. USE OF LAND AND BUILDINGS****3.1.1. Uses Permitted by District**

The use of land or buildings shall be in accordance with those listed in the following 3.2 Use Table. No land or building shall hereafter be used and no building or structure erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

**3.1.2. Classification of New and Unlisted uses**

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the Town. If the Building Inspector is unable to classify the use under one of the existing listed uses, then the Town Council shall interpret and initiate a zoning text amendment pursuant to the procedures set forth in this ordinance.

**3.2. USE TABLE**

Base Zoning District Legend		Base						Special	
P	Indicates Permitted Use	1	2N / 2S	3	4	5	6	PD - Planned Development	SUP - Special Use Permit
	Indicates Prohibited Use								
S	Indicates Specific Use Permit Required								
C	Indicates Conditional Use								
Special Zoning District Legend									
	Indicates Regulation by District								
Use Type									
Residential Uses									
Garage Apartment		P	P	P	P	P	P		
Guest House		P	P	P	P	P	P		
Single Family Residence		P	P	P	P	P	P		
Non Residential Uses									
Accessory Structure		C	C	C	C	C	C		
Child-Care: Home		C	C	C	C	C	C		
Electrical Sub Station		S	S	S	S	S	S		
Home Occupation		C	C	C	C	C	C		
Homebuilder Marketing Center		C	C	C	C	C	C		
Municipal Uses Operated by the Town		P	P	P	P	P	P		
Parks or Open Space		P	P	P	P	P	P		
Telephone Exchange		S	S	S	S	S	S		



### 3.2.1. Conditional Development Standards

A use is permitted in the zoning district as indicated in the Use Table; section 3.2 USE TABLE, if the following conditional development standards or limitations are met.

#### A. Accessory Structure

Refer to section 4.2.4 Detached Garage and Accessory Building – New Construction.

#### B. Child-care: Home

Permitted by right as home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

#### C. Home Occupation

A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

1. 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.
  - a. No external evidence of the occupation shall be detectable at any lot line, including but not limited to advertising, signs, smoke, dust, noise, fumes, glare, vibration, or electrical disturbance beyond the property line;
  - b. No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation;
  - c. No storage of hazardous materials for business purpose shall be allowed on the premises;
  - d. The home occupation shall not have a separate entrance;
  - e. Proprietor shall provide adequate off-street parking for business related vehicles;
  - f. A maximum of one (1) commercial vehicle, capacity one (1) ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked on the street;
  - g. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1½) tons. This shall not be construed to prohibit deliveries by commercial package delivery companies;
  - h. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use;
  - i. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made via the telephone, internet, or at a sales party may be filled on the premises; and



- j. 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 provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.
  - k. The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
  - l. The home occupation shall employ no more than two (2) individuals who are not an occupant of the residence. This shall not include the coordination or supervision of employees who do not regularly visit the house for purposes related to the business.
  - m. The home occupation shall not offer a ready inventory of any commodity for sale.
  - n. The home occupation shall not accept clients or customers before 7:00 a.m. or after 9:00 p.m. This limitation of hours of operation shall not apply to allowed childcare home occupations. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.
  - o. Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
2. Uses allowed as home occupations shall include the following:
- a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession.
  - b. Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises;
  - c. Author, artist, sculptor;
  - d. Dressmaker, seamstress, tailor, milliner;
  - e. Music/dance teacher, tutoring, or similar instruction;
  - f. Swimming lessons or water safety instruction;
  - g. Home crafts, such as weaving, model making, etc.;
  - h. Repair shop for small electrical appliances, cameras, watches, or other small items, provided that the items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
  - i. Child-Care: Licensed Child-Care Home, Child-Care: Listed Family Home, or Child Care: Registered Child-Care Home. Homes with six (6) or more children shall be prohibited.
  - j. Barbershop, beauty salon, or manicure studio, provided that no more than one (1) customer is served at any one time;
  - k. Internet based businesses; and



l. Food Production Operations that produce non-potentially hazardous food. Examples of non-potentially hazardous foods include, bread, rolls, biscuits, sweet breads, muffins, cakes, pastries, cookies, fruit pies, jams, jellies, dry herbs and dry herb mixes.

3. Uses prohibited as home occupations shall include the following:

- a. Animal hospital, commercial stable, kennel;
- b. Boardinghouse or rooming house;
- c. Restaurant or on premise food/beverage consumption of any kind;
- d. Automobile, boat, or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engines, or other repair shops;
- e. Cabinetry, metal work, or welding shop;
- f. Office for doctor, dentist, veterinarian, or other medical-related profession;
- g. On-premise retail or wholesale sale of any kind, except home craft items produce entirely on premises;
- h. Commercial clothing laundering or cleaning;
- i. Mortuary or funeral home;
- j. Trailer, vehicle, tool, or equipment rental;
- k. Antique, gift, or specialty shop;
- l. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy; and

4. Determination of a Home Occupation Use not Specifically Listed:

- a. The Director shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director 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.

5. Appeal of the Director's Home Occupation Determination:

- b. If the applicant disagrees with the determination of the Director, the applicant may appeal to the Town Council.
- c. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

D. Homebuilder Marketing Center

- 1. Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district.
- 2. The use must be removed when all homes/lots in the development have been sold.



## SECTION 4: SITE DEVELOPMENT REQUIREMENTS

### 4.1. SCREENING STANDARDS

#### 4.1.1. Scope

Standards set forth in this section establish the required screening.

##### A. Applicability

The standards and criteria contained in this section are the minimum standards.

##### B. Exceptions

All plats with an approved Site Plan and/or Landscape Plan prior to June 12, 2014 shall be considered legal nonconforming.

#### 4.1.2. Thoroughfare Standards

##### A. Applicability

Regulations are prescribed for the location and type of screening devices to be used when required in zoning districts or in this section.

##### B. Screening Wall Materials

A screening wall or fence required under the provisions of this section, under a Specific Use Permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick or stone masonry units.

1. All wall or fence openings within a required screening element shall be equipped with gates equal in height and screening characteristics to the wall or fence;
2. Split-face concrete masonry units, or pre-cast panels are prohibited.

##### C. Screening Wall Finishing on Both Sides

1. All masonry screening walls shall be equally finished on both sides of the wall;
2. The style, color, and material of the wall must be consistent within the development.

##### D. Screening Installation and Maintenance

1. All required walls, fencing, and other screening materials must be installed and completed prior to final acceptance of the project;
2. The property owner shall maintain all screening fences, walls, and landscaping;
3. Repairs to existing walls will be permitted with the addition of galvanized metal supports being added to the area being repaired.

##### E. Access Management

1. Screening walls shall have adequate breaks to allow pedestrian and bicycle traffic to access parks and public paths.
2. Screening walls shall be designed so as not to create a barrier between residential districts.

#### 4.1.3. Thoroughfare Screening / Buffer Areas

##### A. Living Screen

##### 1. Adjacent Property

- a. Side and/or rear yards of Single Family land that are adjacent to nonresidential or a thoroughfare;

##### 2. Landscape Buffer

Thirty (30) foot minimum width as measured from property line to edge of street.

##### 3. Pavement

Parking or other impervious surface; may drain to Water Resource Zone in buffer.

##### 4. Trees

Two rows, large evergreen trees;

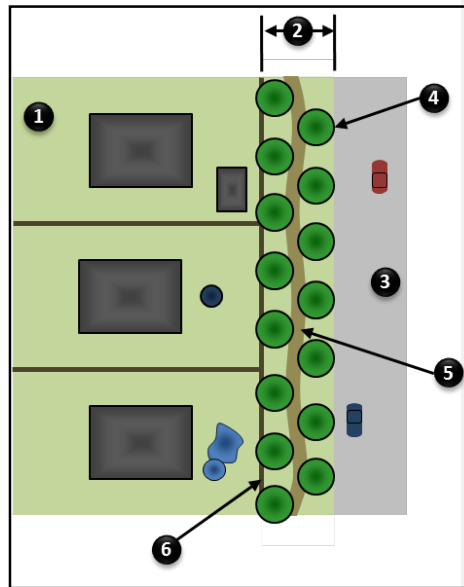
Minimum six (6) feet in height at planting and create a solid screen. Spacing shall be determined based on species and approved by a licensed Landscape Architect.

##### 5. Pedestrian Path

Minimum six (6) feet in width; surface may be impervious or natural. Natural surfaces must be pre-approved by the Town and included in the Landscape Plan.

##### 6. Private Fence

Fencing material must be of the same type and style for the entire length of screen. Maintenance of the fence will be the responsibility of the homeowner upon acceptance of the development by the Town.



#### 4.1.4. Screening for Refuse (Trash) and Recycling Storage Container – New Construction

##### A. Single Family

1. Refuse and recycling receptacles shall be located to minimize their visibility from public streets.
2. Screening enclosures shall be visually and aesthetically compatible with the overall project;

#### 4.1.5. Screening for Utilities, Mechanical, and Service Facilities – New Construction

##### A. Applicability

The standards and criteria contained in this section are the minimum standards.

##### B. Finish of Accessory Elements





Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color.

**C. Ground-Mounted and Roof-Mounted Mechanical Equipment Screening**

1. All mechanical equipment shall be screened from street view.
2. If a parapet does not accomplish this screening, a screening wall equal to the height of the equipment shall be provided.
3. Buildings adjacent to single family zoned property or property that is designated as single family on the Future Land Use Plan shall provide a screening wall equal to the height of the equipment on all sides that face the residential property.
4. In all cases, screening shall be compatible with building materials.

**D. Pool/Spa Equipment Screening**

1. All Pool and/or Spa equipment shall be screened from street view.
2. The Lakewood Village Fence Ordinance, as amended, shall apply to the screening requirements.

**4.1.6. Screening for Propane Tanks – New Construction**

**A. Above Ground**

1. Propane tank(s) shall be screened from street view.
2. The Lakewood Village Fence Ordinance, as amended, shall apply to the screening requirements.

**4.2. ACCESSORY STRUCTURE STANDARDS**

**4.2.1. Accessory Structure Use in Residential Districts**

An accessory building is a subordinate or incidental building, detached from the main building without separate kitchen facilities, not used for commercial purposes and not rented. A Garage Apartment and a Guest House may include kitchen facilities, but shall not be used for commercial purposes and shall not be rented.

**4.2.2. Garage Apartment or Guest House**

A single Garage Apartment or single Guest House shall be allowed as an incidental use on the same lot or tract as the main dwelling unit and shall not be leased or rented.

**A. Location**

1. A Garage Apartment shall be constructed attached to a garage, either above or adjacent to the garage.

**B. Building Permit Requirement**

A Garage Apartment or Guest House may be constructed only after the issuance of a building permit.

**C. Independent Sale and Sublet Prohibited**



A Garage Apartment or Guest House may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.

D. Setbacks

Setback requirements shall be the same as for the main structure.

**4.2.3. Area Regulations for Accessory Structure in Residential Districts**

An accessory structure is prohibited in any easement.

A. Single Family Residential Districts

Accessory structure yard requirements shall be the same as the main structure unless otherwise specified in the zoning district or approved by the Town on a Preliminary Site Plan.

**4.2.4. Detached Garage and Accessory Building – New Construction**

A. Greater than 250 Square Feet

The exterior facades of a detached garage or other accessory building or structure greater than two hundred fifty (250) square feet shall be subject to the same exterior construction material(s) as the main building or structure.

B. Less Than or Equal to 250 Square Feet

Metal or wood may be used as an exterior construction material for an accessory building or structure up to two hundred fifty (250) square feet.

C. Building Permits

1. Required for buildings greater than two hundred fifty (250) square feet.
2. Not required for buildings less than or equal to two hundred fifty (250) square feet. A permit may be required for flatwork, electrical, plumbing, etc.

**4.2.5. Carports**

A. New Structures

The construction of a carport shall be prohibited.

B. Existing Structures

Dwellings with carports constructed prior to June 12, 2014 and are not in compliance with the above regulations shall be deemed a nonconforming use.

**4.3. SUPPLEMENTARY REGULATIONS**

**4.3.1. Residential Lot Regulations**

A. Minimum Residential Lot Area and Exceptions

The minimum lot area for the various zoning districts shall be in accordance with the individual districts except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Zoning Ordinance, June 12, 2014, may be used for a single



family dwelling and no lot existing at the time of passage of this Zoning Ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

**B. Location of Dwellings and Buildings**

**1. One Main Building for Single Family Use**

Only one main building for single family use, with permitted accessory buildings, may be located upon a lot or unplatted tract.

**2. Access**

Every means of access shall have a minimum lot width of forty (40) feet at the property line.

**4.3.2. Repetition of Residential Unit Design**

**A. Applicability Zoning Districts**

The regulations of this section shall apply to all Single Family districts.

**B. Repetition of Floor Plan and Elevation**

A minimum of nine (9) platted residential lots must be skipped on the same side and six (6) skipped on the opposite side of a street before rebuilding the same single family residential unit with an identical (or nearly identical) street elevation design. The same floor plan shall not be repeated on neighboring, side by side lots, or directly across the street.

**4.3.3. Front Yard Setback**

**A. Corner Lots**

On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a Final Plat, according to 4.3.1 Residential Lot Regulations.

**B. Approved Plats with Established Building Line**

The required front yard setback shall comply with the building line so established by such Zoning Ordinance or plat, where a building line has been established by a plat or by ordinance prior to June 12, 2014, and such line required is a greater or lesser front yard setback than prescribed by this Zoning Ordinance for the district in which the building line is located.

**C. Front Yard Measurements and Considerations**

Refer to 8.4.1 Front Yard Measurement for illustration.

1. 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.
2. Eaves and roof extensions or a porch without posts or columns may project into the required front yard setback for a distance not to exceed four (4) feet.

**D. Minimum Front Yard Setback Reduction and Average Setback**



Refer to 8.4.2 Staggered Front Yard Setbacks for illustration.

1. The minimum front yard setback requirements may be reduced by a maximum of five (5) feet for all single family lots provided that at least fifty (50) percent of the structures on a given block are set back an additional five (5) feet from the original setback.
2. The average setback along the block shall equal the original setback requirement.
3. The purpose of this average setback is to encourage a variety of front yard setbacks along a street.
4. In no case shall the average front yard setback be less than the minimum established in Table 2.4: Residential Districts Development Standards Table.

**E. Future Right-of-Way Line**

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.

**4.3.4. Side Yard Setbacks**

**A. Corner Lot Side Yard Setbacks**

Refer to 8.4.5 Corner Lot Setbacks for illustration.

1. On a corner lot used for single family dwellings, both street exposures shall be treated as a front yard.

**B. Open and Unobstructed Side Yards**

1. Every part of a required side yard shall be open and unobstructed from the ground upward except for portable accessory buildings as permitted herein and the ordinary projections of window sills, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed four (4) feet into the required side yard.

2. Air conditioning compressors, pool machinery and equipment, and similar appurtenances are permitted in the side yard, but shall be located a minimum of four (4) feet from the property line.

3. The driveway to the main dwelling garage may be constructed in the side setback to the following extent:

4. 1. For zoning districts with 7 ft setbacks, the driveway may extend up to fourfive feet into the setback area (must stay at least threetwo feet from the property line).

2-5. 2. For zoning districts with 12 ft setbacks, the driveway may extend up to seven feet into the setback area (must stay at least 5 feet from the property line)

**C. Garage Door Side Yard Setback**



1. The face (meaning garage door) of a garage that faces a side yard (a swing-in garage) must be setback a minimum of twenty-~~five~~ ~~eight~~ (25~~8~~) feet from the side property line.

#### 4.3.5. Wind Energy Conversion Systems

The construction of a wind energy conversion system shall be prohibited.



#### 4.3.6. Special Height Regulations

##### A. Use Height Exceptions

Water stand pipes and tanks, church steeples, domes, spires, ~~free-standing flag poles~~ flags, scenic loft, public and private school buildings, municipal structures, and public/semi-public institutional buildings may be erected to exceed two and one half (2.5) stories with an approved Site Plan and Special Use Permit.

#### 4.3.7. Modular (Industrialized) Home

##### A. Permitted Zoning Districts

A modular home is permitted in single family zoning districts.

##### B. Requirements

The following requirements shall be met for modular homes.

1. The modular home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction;
2. The modular home conforms to all applicable zoning standards for the respective zoning district;
3. The modular home is affixed to an approved permanent foundation system;
4. The Building Inspector is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Article 1221fV.T.C.S.);
5. The modular home is placed on an approved platted lot;
6. Per the Texas Occupations Code §1202.253, Modular (Industrialized) homes shall:
  - a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;
  - b. Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located; and
  - c. Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;
7. For the purpose of this section, "value" means the taxable value of the industrialized housing and the lot after installation of the housing.



#### 4.3.8. Exterior Construction of ~~Main~~ Buildings

##### A. Single Family - Siding

1. The exterior facades of a main building ~~or structure~~, excluding glass windows and doors shall be constructed of eighty (80) percent masonry on all new construction. ~~for any structure two hundred fifty (250) square feet or greater in size.~~ Cementitious fiber board shall not be considered masonry. Cementitious fiber board may be used to replace existing siding on existing structures. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, or other architectural features approved by the Director.

##### B. Single Family – Roof Pitch

All roof pitches shall have a minimum rise of ~~four six~~ (64) inches over twelve (12) inches of run. For two story houses, roofs over entryways may be reduced to two (2) over twelve (12) pitch with the approval of the director.

##### C. Accessory Structures

Accessory structures greater than two hundred fifty (250) square feet ~~sq-ft~~ must meet the eighty (80) percent masonry requirement and must be of the same general materials and to the greatest extent possible match the appearance of the main dwelling.

#### 4.3.9. Propane Tanks

##### A. Front Yard

Placement of an above ground propane tank(s) in the front yard is prohibited.

##### B. Side and Rear Setbacks

Placement of propane tank(s), above ground or buried, shall meet the side and rear yard setbacks.



## **SECTION 5: REVIEW BODIES**

### **5.1. TOWN COUNCIL**

#### **5.1.1. Town Council Authority for Amendments to this Zoning Ordinance**

The Town Council may from time to time amend, supplement or change by ordinance the text of this Zoning Ordinance on its own initiative or upon petition for a text amendment.

#### **5.1.2. Town Council Authority for Deciding Applications and Appeals**

In accordance with Chapter 211 of the Texas Local Government Code, the Town Council shall make the final decision on applications and appeals. In addition, for any other applications not otherwise delegated to another body or Town official by Town Ordinance, the Town Council shall make the final decision.

#### **5.1.3. Judicial Review**

The Town Council's decision is final unless appealed to district court within ten (10) days after the Council's decision is filed in the Office of the Town Secretary. Such appeal must be made in accordance with Chapter 211 of the Texas Local Government Code. The Council's decision is filed in the Office of the Town Secretary when the Council votes and makes its decision in open session.





## **SECTION 6: DEVELOPMENT REVIEW PROCEDURES**

All territory annexed to the Town shall be classified as Single Family Residential – District 5. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure set forth in section 6.5 Amendments to the Zoning Ordinance / Districts and Administrative Procedures of this Zoning Ordinance.

### **6.1. ZONING UPON ANNEXATION**

#### **6.1.1. Rules of Newly Annexed Territory Classified as Single Family Residential – District 5**

All land or territory annexed by the Town shall be initially zoned as Single Family Residential – District 5. Permanent zoning shall be placed on the land as soon as is practicable.

##### **A. Building Permit or Certificate of Occupancy Required**

Except as provided in Chapter 43 of the Texas Local Government Code, no person shall erect, construct, proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the Town without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Town.

##### **B. Limited Permits within Newly Annexed Land**

No permit for the construction of a building or use of land shall be issued by the Town other than a permit which will allow the construction of a building or use permitted in District 5, unless and until such territory has been classified in a zoning district other than District 5, by the Town Council in the manner prescribed by law except as provided in 6.1.1.C.

##### **C. Application for Building Permit or Certificate of Occupancy with Newly Annexed Land**

A building permit shall be approved if the applicant shows the following:

- a. The use was already legally operating on the date the annexation proceedings were initiated for the property; or
- b. The use was not already operating on the effective date of annexation, but was planned for the property before the 90<sup>th</sup> day before the effective date of annexation, and:
  1. One or more licenses, certificates, permits, approvals, or other form of authorization by a governmental entity were required by law for the planned land use; and
  2. A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For the purpose of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant. For the purposes of this section, the date the annexation proceedings were instituted means the date the Town Council approves the ordinance annexing the property.
2. If a use described in 6.1.1.C does not comply with the zoning for the property, such uses shall be allowed to continue as a nonconforming use. Notwithstanding any provision contained



herein, the Town may terminate a nonconforming use pursuant to Section 43.002(c) of the Texas Local Government Code even if it existed or was planned prior to the institution of annexation proceedings.

3. The property owner has a right to appeal the Town's decision, if an appeal is submitted to the Director in writing within ten (10) calendar days after the Town Council voted and made their determination in open session. After receiving and reviewing the appeal application, the Town Council, with affirmative votes by three fourths of the alderman of Town Council, may authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application pending permanent zoning.

## **6.2. PLATTING PROPERTY NOT ZONED**

### **6.2.1. Zoning Required for Platting**

The Town Council shall not approve any plat of any subdivision within the Town Limits until the area covered by the proposed plat shall have been zoned by the Town Council as described in section 6.1.

### **6.2.2. Annexation Proceedings Postpones Platting Approvals**

The Town Council may conditionally approve any plat or any subdivision within any area where a petition or ordinance for annexation is pending until such annexation shall have been approved by ordinance of the Town Council.

### **6.2.3. Subdivision Ordinance Platting Requirements**

Refer to the Subdivision Ordinance for platting requirements within the Town limits and its extraterritorial jurisdiction.

### **6.2.4. Simultaneous Zoning and Annexation**

Zoning and annexation requests may be simultaneously considered. The Town Council must adopt the annexation ordinance prior to adopting an ordinance for permanent zoning.

## **6.3. CREATION OF BUILDING SITE**

### **6.3.1. Conditions Required for Building Site, Tract, or Lot Creation**

No permit for construction of a building or buildings upon any tract or plat shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

#### **A. Approved Plat of Record**

The lot or tract is part of a plat of record, properly approved by the Town Council, and filed in the Plat Records of Denton County, Texas.

#### **B. Annexation**

The plat, tract, or lot faces upon a dedicated street and was separately owned prior to annexation to the Town, in which event a building permit for only one main building conforming to all the



requirements of this Ordinance may be issued on each such original separately owned parcel without first complying with section 6.3.1.A Approved Plat of Record.

**C. Approved Site Plan**

The plat or tract is all or part of a Site Plan officially approved by the Town Council, and compliance has been made with provisions and improvements approved on such Site Plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.

**6.3.2. Building Permit Issuance Requires a Plat of Record**

A plat of record shall be created prior to the issuance of a Building Permit. (See Subdivision Ordinance)

**6.4. SITE PLAN REQUIREMENTS**

**6.4.1. Applicability**

The Site Plan review process shall apply to all residential development.

**6.4.2. Exemptions**

Temporary field construction offices/staging areas as permitted by the Town are exempted from the requirements of section 6.4 Site Plan Requirements.

**6.4.3. Submission of Applications**

**A. Coordinating Official**

Applications for approval of plans required by section 6.4 Site Plan Requirements must be submitted to the Director.

**B. Other Regulations for Applications**

Applications are also governed by section 6.6 Vesting and Application Requirements.

**6.4.4. Fees, Forms and Procedures**

**A. Schedule of Fees**

The Town Council shall establish a schedule of fees relating to the Site Plan approval process.

**B. Delinquent Taxes**

No Site Plan shall be approved for properties with delinquent Town taxes.

**C. Procedures, Forms and Standards**

The Director shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for Preliminary Site Plans and Site Plans.

**6.4.5. Preliminary Site Plan**

**A. Preliminary Site Plan General**



A Preliminary Site Plan is the first plan in the Site Plan approval process. A Preliminary Site Plan is less detailed and specific than a Final Site Plan in terms of exact arrangement of buildings, parking areas, open spaces, access points and any other site design features. A checklist of all required information to be depicted on a Preliminary Site Plan shall be maintained by the Building Inspector. The purpose of the plan is to:

1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property;
2. Provide satisfactory vehicular and pedestrian connectivity to adjoining developments and within the site;
3. Promote the long term viability of multi-parcel developments by providing visibility of internal tracts;
4. Determine the preliminary design of drainage facilities and utilities; and
5. Promote the health, safety and welfare of the public.

**B. Preliminary Site Plan Applicability**

**1. Prerequisite for a Site Plan**

Except as provided in section 6.4.6 Site Plan, an approved, valid Preliminary Site Plan shall be required prior to the consideration of a Site Plan for development of property set forth in 6.4.6 Site Plan.

**2. Area Scope**

- a. A Preliminary Site Plan must include all contiguous property of common ownership, except that approved platted lots that are not part of the intended development may be shown for informational purposes only.
- b. Property which has been subdivided by metes and bounds, regardless of ownership, shall be included in the Preliminary Site Plan; since the subdivision of land was not conducted in accordance with the Subdivision Ordinance.

**3. A Site Plan may be submitted in lieu of a Preliminary Site Plan.**

**C. Preliminary Site Plan Application Procedure and Requirements**

**1. Preliminary Site Plan Pre-Application**

- a. Before preparing a Preliminary Site Plan, it is recommended that the applicant meet with an authorized representative of the Town to allow the applicant to learn the general procedures for approval, and to review the general plan of the proposed development, but the development/project shall not be discussed in sufficient detail to provide the Town with fair notice of the project.
- b. No applications for a permit may be submitted to or accepted for filing with representatives of the Town during the meeting.

**2. Preliminary Site Plan General Application**

The property owner shall file an application for the approval of a Preliminary Site Plan. This application shall include the information listed on the Town's Preliminary Site Plan Application Form and Checklist, which shall be created and maintained by the Director.



3. Preliminary Site Plan Details for Tracts Containing Five (5) Acres or Less

Existing or proposed tracts which contain five (5) or fewer acres shall depict a greater level of detail than tracts in excess of five (5) acres. A checklist of the required information shall be maintained by the Director.

4. Preliminary Site Plan Additional Requirements

In addition to meeting the requirements for Preliminary Site Plan approval, the following supplemental information may be necessary (such applications and plans shall be accepted for filing, however, prior to approval of the Preliminary Site Plan, and failure to submit such applications prior to approval of the Preliminary Site Plan shall be grounds for denial or rejection of the Preliminary Site Plan):

- a. Preliminary Plat, if applicable,
- b. Preliminary Utility Plans,
- c. Traffic Impact Analysis, if required,
- d. Traffic Circulation Study, if required,
- e. Landscape Plan,
- f. Flood Study, if required.

5. Preliminary Site Plan Standards of Approval

The Town Council may approve, conditionally approve, table or deny a Preliminary Site Plan based on:

- a. Conformance with the Comprehensive Plan and adopted design guidelines;
- b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property;
- c. Impact on the site's natural resources (i.e., floodplain, drainage, trees, topography, etc.) but excluding fence rows;
- d. Effect on adjacent and area property and land use;
- e. Safety and efficiency of vehicular and pedestrian circulation, traffic control and congestion mitigation;
- f. Safety and convenience of off-street parking and loading facilities;
- g. Access for firefighting and emergency equipment to buildings;
- h. Use of landscaping and screening to shield light, noise, movement or activities from adjacent properties, and to complement the design and location of buildings and parking; and
- i. The location, size and configuration of usable open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

6. Preliminary Site Plan Effect

- a. Town approval of a Preliminary Site Plan shall constitute authorization by the Town for the owner(s) to submit an application for Site Plan approval for development of the entire site or a portion thereof provided that the Site Plan substantially conforms to the Preliminary Site Plan and any conditions attached to its approval.
- b. Except where authorized by ordinance, a Preliminary Site Plan may not be used to approve an exception to development regulations.



- c. Where an approved Preliminary Site Plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

7. Preliminary Site Plan Lapse

- a. The approval of a Preliminary Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Preliminary Site Plan shall expire unless the applicant demonstrates to the Town Council that progress has been made toward completion of the project for which the Preliminary Site Plan was approved or that a Site Plan has been approved.
- b. An expired Preliminary Site Plan approval is null and void and the project shall be considered dormant.
- c. If the progress towards completion is only for a portion of the property, the Preliminary Site Plan for the remaining property shall expire.
- d. Any new Preliminary Site Plan submitted for review and approval shall be subject to the then-existing regulations at the time of submittal.

8. For appeals, see 6.14 APPEALS AND THE APPEAL PROCESS.

**6.4.6. Site Plan**

**A. Site Plan General Information**

A Site Plan is the final plan required in the Site Plan approval process. The Site Plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:

1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property;
2. Coordinate and document the design of public and private improvements to be constructed;
3. Coordinate the subdivision of land, including the granting of easements, rights-of-way, development agreements and provision of surety;
4. Promote the health, safety and welfare of the public; and
5. Identify and address environmental concerns (i.e., floodplain, drainage, trees, topography, etc.).

**B. Site Plan Applicability**

1. Prerequisite for the Approval of Any Construction Plan and Permit:

An approved, valid Site Plan shall be required prior to the approval of any construction plan and permit for and development of the following.

- a. Residential development having more than two dwelling units, including attached single family housing, townhomes and condominiums;

2. Exempted Development

The following types of development are exempted from the requirements of this 6.4.6 Site Plan

- a. Agricultural buildings; and
- b. Temporary field construction offices / staging areas as permitted by the Building Inspection Division.



C. Site Plan Application Procedure and Requirements

1. Site Plan Pre-Application

- a. Before preparing a Site Plan, the applicant may meet with Town staff and/or a Town Official to allow the applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by applicant.
- b. No application for a permit may be submitted to or accepted for filing with the Town staff or Town official during the meeting.

2. Site Plan General Application

The property owner shall file an application for the approval of a Site Plan. This application shall include the information listed on the Town's Site Plan Application Form and Checklist, which shall be created and maintained by the Director.

3. Site Plan Additional Requirements

The following plans shall be submitted with a Site Plan application and approval is necessary prior to final authorization for development:

- a. Final Plat or Replat,
- b. Engineering plans,
- c. Traffic Impact Analysis, if applicable,
- d. Landscape plans, if applicable
- e. Flood Study, if required, or
- f. Other approvals as required by ordinance or resolution.

4. Site Plan Standards of Approval

a. Approval Criteria

1. Conformance with the Comprehensive Plan and adopted design guidelines.
2. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.
3. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
4. The width, grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
5. The use of landscaping and screening to provide adequate buffers to shield light, noise, movement or activities from adjacent properties when necessary, and to complement the design and location of buildings and be integrated into the overall site design.
6. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
7. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
8. Protection and conservation of water courses and areas subject to flooding.
9. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.



10. The Town shall not take action on a Site Plan for property where Town taxes are delinquent.

5. Site Plan Effect

- a. Approval of a Site Plan is the Town's authorization to apply for approval of building permits and to receive approval of engineering plans.
- b. During the time the Site Plan remains valid the Town shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening.
- c. Site Plan approval is separate and distinct from other permits and approvals as may be required by the Town and other regulatory agencies.
- d. Approval of a Site Plan shall not affect other applicable regulations concerning development and land use.
- e. Except where authorized by ordinance, a Site Plan may not be used to approve a variance to development regulations.
- f. Where an approved plan conflicts with an adopted regulation and no variance is expressly approved, the regulation shall apply.

6. Site Plan Lapse

- a. Applications filed on or after September 1, 2005
  1. For applications filed on or after September 1, 2005, the approval of a Site Plan shall be effective for a period of two (2) years from the date of filing of the application with the Town at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Town Council that progress has been made towards completion of the project for which the Site Plan was approved.
  2. Submission and receipt of approval of engineering plans and building permits prior to expiration of the Site Plan shall be evidence of progress towards completion.
  3. However, if engineering plans and permits have been approved only for a portion of the property or if the progress towards completion is only for a portion of the property and/or improvements, the Site Plan for the remaining property and/or improvements, together with any Preliminary Site Plan for the property, shall expire.
- b. Expired Site Plans
  1. For all expired Site Plans, the applicant shall be required to submit a new Site Plan and if required, a new Preliminary Site Plan, for review and approval by the Town Council subject to the then existing regulations.
  2. Site Plan approval shall not expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.
  3. Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with 6.4.8 Additional Development and Redevelopment and shall be considered a new project subject to the then existing ordinances, laws and regulations of the Town.

7. For appeals, see section 6.14 Appeals and the Appeal Process.





#### **6.4.7. Revocation of Site Plan Approval**

The Town Council may revoke approval of a Preliminary Site Plan or Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit.

#### **6.4.8. Additional Development and Redevelopment**

##### **A. Additional Development, Site Modifications, or Redevelopment**

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal of a revised Site Plan and the approval of the Town Council under the regulations, requirements and procedures then in effect.

##### **B. Minor Expansions and Redevelopment**

Minor expansions and redevelopment may be approved by the Director under the terms of 6.4.7 Revocation of Site Plan Approval.

#### **6.4.9. Design Standards and Specifications**

##### **A. Incorporation of Design Standards and Specifications**

In addition to the requirements of this Ordinance, site plans are required to meet the standards contained in the following regulations:

1. Subdivision Ordinance;
2. Fire Code;
3. Engineering Design Standards and Construction Details;
4. Any design standards and specifications approved by the Town Council following the enactment of this provision; and
5. Building and/or Residential Code;
6. Other technical codes adopted by the Town.

### **6.5. AMENDMENTS TO THE ZONING ORDINANCE / DISTRICTS AND ADMINISTRATIVE PROCEDURES**

#### **6.5.1. Authority to Amend Ordinance**

##### **A. Authority**

The Town Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. All amendments shall require an affirmative vote by three fourths of all alderman of the governing body.

##### **B. Changes or Amendments**

1. Any zoning district boundary amendment (also referred to as a zoning map amendment) may be requested for consideration by the:
  - a. Town Council



- b. The owner of the real property (or the authorized representative of an owner of the real property).

**C. Zoning Amendment Application Submittal**

1. Each applicant for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall submit a zoning application to the Town which shall be accompanied by payment of the appropriate fee as established by the Town.
2. Applications must be complete for acceptance.

**D. Additional Considerations**

1. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner or by the Town Council on its own motion when it finds that public benefit will be derived from consideration of such matter.
2. In the event the ownership stated on an application and that shown on the Town records is different, the applicant shall submit written proof of ownership.
3. The advertisement of a zoning change or application for a Specific Use Permit shall be initiated by staff upon receipt of applicant's written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. When the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

**E. Zoning Application Details**

1. To ensure the submission of adequate information, the Director is hereby empowered to maintain and distribute a list of specific requirements for zoning applications and update or modify such requirements as deemed necessary.
2. Upon periodic review, the Director shall have the authority to update such requirements for zoning application details.

**6.5.2. Zoning Amendments Process, Public Hearing and Notice**

Chapter 211 of the Texas Local Government Code, as amended, shall apply when considering amendments to this Zoning Ordinance.

**6.5.3. Failure to Appear before the Town Council**

The Town Council may deny a zoning application if the applicant or representative fails to appear at one (1) or more hearings before the Town Council.

**6.5.4. Town Council Consideration**

**A. Town Council Consideration and Action**

Town Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.

**B. Town Council Vote Required for Protested Amendments**

1. Documented Protest Requirements
  - a. Documented Protest Filing



Protests against proposed amendments shall be filed at least seven (7) calendar days before the date of the public hearing.

b. Documented Protest Participant Requirements

1. Interior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the land area included within a proposed amendment boundary may participate in a documented protest for a specific case.
2. Exterior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment may participate in a documented protest for a specific case.

2. Documented Protest Effect

If a documented protest against a proposed amendment, supplement, or change to a zoning regulation or boundary has been filed with the Director, then such amendments shall not become effective except by the affirmative vote by three-fourths of all alderman of the governing body.

C. Final Approval and Ordinance Adoption

1. Approval of any zoning change or amendment by the Town Council at the scheduled public hearing shall constitute instruction to Town staff to prepare an appropriate ordinance for final formal passage at a subsequent time.
2. If finally approved by the required number of votes, the ordinance shall be executed by the Mayor.
3. The Ordinance shall become effective from and after its adoption and publication as required by law.

**6.6. VESTING AND APPLICATION REQUIREMENTS**

**6.6.1. Zoning Applications**

A. Complete Applications Required

No zoning application shall be accepted for filing or process unless such request is accompanied by a complete application and all documents required by and prepared in accordance with the requirements of the Zoning Ordinance and any other applicable ordinance and it is filed with the Director.

B. Denial of Zoning Applications

1. The acceptance or processing by any Town official of a zoning application prior to the time a complete application is submitted hereby is deemed to be null and void and, upon discovery, shall be ground for denial or revocation of such application.
2. A typographical error shall not constitute an incomplete application.

**6.6.2. Incomplete Application Procedures**

A. Period of Time for Determining Incomplete Application



On or before the tenth (10<sup>th</sup>) calendar day after an application for a permit is filed with the Director, the Town shall determine if an application is complete.

**B. Determination of Incomplete Applications**

If the application for a permit does not contain all information required by an ordinance, law or regulation governing the application for permit, then it shall be considered incomplete.

**C. Town Shall Provide Notice of Incomplete Applications**

**1. Written Notice of Delivery Methods**

The Town shall provide written notice of the failure to the applicant by any one of the following methods:

- a. Mail,
- b. Email,
- c. Facsimile,
- d. Delivery service.

**2. Written Notice Contents**

The Town shall specify within the written notice the following:

- a. The documents and information necessary to make the application complete.
- b. The date by which the documents and information must be received.
- c. The date the application for a permit will expire if all of the requested documents and information are not received by the Town.

**D. Expiration of Incomplete Applications**

1. If notice of an incomplete application is sent to the applicant, then the application for a permit shall expire on the forty-fifth (45<sup>th</sup>) calendar day after the date the application for a permit was filed if the application for a permit is not made complete by the applicant.
2. Any filing fee paid may be retained by the Town for reviewing the application for a permit for completeness.
3. Thereafter a new application for a permit, including but not limited to the filing fee, is required if the applicant wishes it to be considered.
4. The Town may send written notice to the applicant that the application for permit has expired, but it is not required to do so and failure of the Town to send notice that a permit has expired, shall not prevent the permit from expiring.
5. Failure to provide requested items within the timeframe will result in the case file being closed on the forty-sixth (46<sup>th</sup>) calendar day after date of application for a permit was filed. A new case with all fees may be required on all subsequent applications.

**6.6.3. Filed Applications**

**A. Applications Received**

The application for permit shall be considered filed on the date that it is received by the Town.



#### **6.6.4. No accrual of Vested Rights from Specific Applications**

No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from an application for a permit that expires, from an application for a permit that is denied or from an application that does not provide fair notice.

### **6.7. DORMANT DEVELOPMENT PROJECTS / EXPIRED PROJECTS**

#### **6.7.1. Expiration Date for Project and Permits File on or After September 1, 2005**

##### **A. Projects**

For projects commenced on or after September 1, 2005 by the filing of an application for a permit, the project shall expire on the fifth (5<sup>th</sup>) anniversary of the date the first application for a permit that was approved by the Town was filed if there is not progress towards completion.

1. Following expiration of a project, any new applications for permits submitted for a project shall be subject to the then existing regulations.

##### **B. Permits**

Applications for a permit filed on or after September 1, 2005 for which the application does not expire pursuant to 6.6.2 Incomplete Application Procedures or for which the permit is subsequently approved, the application for a permit and/or the permit shall expire two (2) years from the date the application for a permit was filed if there is no progress towards completion.

#### **6.7.2. Expiration Date for Permits Filed before September 1, 2005**

##### **A. Expiration Date Specified**

Applications for permits and projects filed with the Town before September 1, 2005 shall be valid for the period of time specified in the ordinances that existed on the date the application for permit was filed.

##### **B. No Expiration Date Specified**

If the approved application did not have an expiration date, then the permit shall be valid for eighteen (18) months beginning on the date the application for permit was filed.

#### **6.7.3. Progress towards Completion Defined**

##### **A. Progress to completion means that:**

1. The approved application did not have an expiration date; and any one or more of the following had occurred:
  - a. An application for a Final Plat or plan was properly filed in accordance with Town ordinances, and said Final Plat or plan has not expired.
  - b. A good-faith attempt was made to file an application for a permit required to begin or continue towards completion of the development.
  - c. Costs were incurred for developing the project, including, without limitation, costs associated with development (but not including the cost of land acquisition) in the aggregate amount of



five (5) percent of the most recent appraised value of the real property on which the project is located.

- d. Fiscal security was posted with the Town, or other regulatory agency, to ensure performance of obligations required by Town ordinances and/or regulatory agencies.
- e. Utility connection fees or impact fees for the project were paid to the appropriate authority or regulatory agency.

## **6.8. VARIANCE PROCEDURES**

### **6.8.1. Purpose and Applicability**

#### **A. Cases for which a Variance may be Granted**

The Town Council may authorize, in specific cases, a variance from the terms of a zoning ordinance for the following:

- 1. Height;
- 2. Yard;
- 3. Lot Area;
- 4. Exterior structure; or
- 5. Off-street parking

#### **B. Variance Criteria**

A variance may be granted only if the Town Council finds that:

- 1. The requested variance is not contrary to the public interest; and
- 2. The requested variance does not violate the intent of the Zoning Ordinance, as amended; and
- 3. The requested variance allows the spirit of the Zoning Ordinance to be observed and substantial justice done; and
- 4. The requested variance is consistent with the adopted Comprehensive Plan; and
- 5. The requested variance would not cause injury to or restrict development on any other parcel of land; and
- 6. The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
- 7. A literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. An unnecessary hardship only exists when a variance is needed to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- 8. The unnecessary hardship is not self-created or personal to the owner of the parcel of land.

#### **C. Variance Limitations**

- 1. Completed Action Required Before a Variance

An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Preliminary Site Plan, Site Plan, Preliminary Plat or



Final Plat, when required by the Zoning Ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by the Town Council.

2. Exhausted all Other Options

The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to Town Council consideration and action, on Preliminary Site Plans, Site Plans, Preliminary Plats, and Final Plats, must be exhausted prior to requesting a variance.

D. Public Hearing Required

1. The Town Council shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this ordinance.
2. At the public hearing, the Town Council shall consider public comments and shall approve, approve with conditions or deny the variance application.

E. Application Form and Fee

A completed application form with payment in full is required prior to scheduling a public hearing. A site plan shall be provided at the time the application is submitted.

F. Approval

After receiving and reviewing the variance application, the Town Council, with affirmative votes by three-fourths of the alderman of Town Council, may authorize the variance.

G. Expiration

A variance granted by the Town Council shall expire:

1. If construction of the project described in the application for variance has not commenced within one (1) year from the date the variance is granted; or
2. If construction of the project described in the application for variance has commenced within one (1) year, but has not been completed within two (2) years from the date of the granting of the variance.

H. Appeal

The Town Council's decision is final unless appealed to district court within ten (10) days after the Council's decision is filed in the Office of the Town Secretary. Such appeal must be made in accordance with Chapter 211 of the Texas Local Government Code. The Council's decision is filed in the Office of the Town Secretary when the Council votes and makes its decision in open session.

**6.9. SPECIAL EXCEPTION FOR BUILDING INSPECTOR ERROR**

**6.9.1. Special Exception Criteria**

The Town Council may issue a special exception to grant nonconforming status for a structure that did not conform to this Ordinance when it was constructed or established, if the Town Council finds:

- A. The nonconformity was clearly and specifically shown in plans and specifications duly submitted to obtain a Town permit;



- B. Before the work was done, neither the owner, the designer, the surveyor, the contractor nor any other person assisting with the work knew about the nonconformity;
- C. The nonconformity was clearly covered by the Town permit (the same permit for which the plans and specifications were submitted), and the permit was otherwise regularly issued;
- D. After learning of the nonconformity, the owner promptly conferred with the administrative official and voluntarily halted any further nonconforming work;
- E. The item will cause no health or safety hazard and no significant impact upon another person or property; and
- F. The item can be brought into conformity with this Ordinance within the time period specified in the special exception, at a modest or reasonable cost.
- G. Exception: Bringing the item into conformity need not be required if the Town Council finds that the impact of the item on other persons or properties is either nil or extremely small.

#### 6.9.2. Time to Comply; Conditions

No such special exception is effective unless it specifies a time period within which the item must be brought into conformity with this Ordinance (if required). Nonconforming status granted for a specified time period is lost when the specified time period expires or if ownership is sooner transferred (unless the new owner acknowledges both the special exception and the date the time period expires, by written instrument filed with the Director before the transfer). Any special exception issued under this section may contain conditions designed to:

- A. Reduce nonconformity;
- B. Mitigate (or compensate for) the effects of nonconformity;
- C. Achieve conformity sooner than the specified time period; or
- D. Any combination of the foregoing.

#### 6.10. REINSTATEMENT OF NONCONFORMING RIGHTS

##### A. Loss of Nonconforming Rights Status

If the Director determines that a nonconforming use has been permanently abandoned under 1.4.1.A Abandonment of Nonconforming Use and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district which does not permit the abandoned use.

##### B. Notice to Owner and/or Operator Required

Notice of this determination shall be made in writing to the owner and/or operator of the abandoned nonconforming use.

##### C. Application for Nonconforming Rights Reinstatement

1. The owner and/or operator of the abandoned nonconforming use may submit a written application to the Town Council to have the nonconforming rights reinstated.





2. Written application for reinstatement of nonconforming rights must be made within ten (10) business days after the Director issues the written notice of determination that a use has been permanently abandoned.

D. Town Council Decision

The Town Council may reinstate nonconforming rights only if the Town Council finds there was clear intent not to abandon the use even though the use was discontinued for six (6) months or more.

**6.11. LANDSCAPE PLAN REVIEW**

**6.11.1. Process**

A. Landscape Plan Approval

1. The provisions of this section shall be administered and enforced by the Director.
2. The required landscape documents shall be submitted for review with the Preliminary Site Plan and Site Plan required in this Ordinance.
3. Permits for building, paving, utilities, or construction shall not be issued prior to an approval and construction release of required landscape documents by the Town, unless approved by the Director.
4. An approved Landscape Plan shall expire at the same time that the approved Site Plan with which it was submitted expires.

**6.11.2. Review Criteria**

A. Objectives

The following criteria shall be used to evaluate proposed Landscape Plans.

1. The landscape design should have proportion, balance, unity, variety of species, and a variety of color throughout the seasons.
2. Landscape designs should define spaces including entrance areas, pedestrian paths, vehicular avenues, parking areas, sitting areas, etc.
3. As an architectural feature, landscape designs should visually soften the mass of the buildings, parking areas, and other structures.
4. Indigenous landscape materials should be selected whenever feasible.
5. Landscaping should:
  - a. Reduce the reliance on irrigation, thus conserving the public water supply.
  - b. Minimize erosion;
  - c. Shade seating, walking and outdoor activity areas;
  - d. Provide a barrier between vehicles and pedestrians;
  - e. Diminish the intrusion of headlights and other glare;
  - f. Provide a natural habitat for birds and other wildlife;
  - g. Shield buildings from winter wind and summer sun thereby conserving energy; and
  - h. Enhance overall character and ecological function of the site through and restoration of native vegetation, and eradication of invasive species.



## 6.12. PLANNED DEVELOPMENT APPLICATION AND REVIEW

### 6.12.1. Planned Development (PD) Requirements

#### A. Modified Development Requirements

Development requirements for each PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to standards listed in the following documents:

1. Zoning Ordinance;
2. Subdivision Ordinance;
3. Engineering Design Standards and Construction Details;
4. Sign Ordinance; and
5. Other requirements as the Town Council may deem appropriate.

#### B. Reference Base Zoning District

When referencing a base zoning district, the PD ordinance will not have to provide any of the references listed in 6.12.1.A.

#### C. Deviations from Base Zoning

1. All applications to the Town for PD zoning shall list all requested standards differing from the normal requirements set forth throughout this Ordinance and related Town development requirements.
2. All applications without this list will be considered incomplete.
3. The list shall be provided in the form of a comparison table that lists all current standards and the corresponding proposed standards for the PD District.
4. The applicant shall provide written justification for the PD request and associated standards, including a statement of impact on public health, safety, and welfare.

#### D. PD Application Materials Submitted

An applicant for a PD District shall submit all materials required by this Zoning Ordinance.

1. The Director shall send written notice, within ten (10) calendar days after the date the application is filed, to any applicant that has submitted incomplete materials stating the remaining documents or other information needed to make the application complete.
2. The application for a PD District shall expire on the forty-fifth (45th) calendar day after the date the application was filed if the applicant fails to submit the remaining documents or other information needed to make the application complete on or before such forty-fifth (45th) calendar day.

#### E. PD District Map (Zoning Exhibit "A")

The PD District Map shall display all lands within PD in the Town.

1. The Director shall establish all dimensional requirements for PD District Maps.

#### F. Development Schedule



A development schedule may be requested by Director or the Town Council at any time during the PD request process.

**G. Conformity**

The PD District standards shall conform to all other sections of this Ordinance unless specifically excluded or modified in the granting ordinance.

**H. Minimum Net Acreage**

The minimum net acreage for a PD request shall be fifteen (15) acres unless a specific finding is made by the Town Council that the establishment of the district is required to implement the Comprehensive Plan, a strategic focus area, a special project, or any other purpose.

**6.12.2. Appropriate Plans and Standards for a PD (Zoning Exhibit "B" and "C")**

In establishing a PD District in accordance with this section, the Town Council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD District, with shall be attached as Zoning Exhibit "B" to the PD ordinance.

**A. Proposed Standards**

Zoning Exhibit "B" shall outline the list of proposed standards for the PD.

**B. Different Standards for Different Tracts**

If different standards will be applied to different tracts within the PD, then separate regulations for each tract shall be specified.

**C. Additional Requirements (Zoning Exhibit "C")**

1. If the proposed PD is amending uses only, nothing additional is required unless supplemental information is necessary to clarify the request.
2. If the proposed PD amends any other standards, a zoning exhibit of the proposed PD will be required (which shall be attached as Zoning Exhibit "C" to the PD ordinance), unless otherwise determined by the Director.
3. Zoning Exhibit "C" shall facilitate understanding of the request during the review and public hearing process, and will serve as a guide for future development within the PD District.
4. If required, the Zoning Exhibit "C" shall reflect the overall layout of the entire development and the Director shall maintain a list of required details.
5. If the PD is nonresidential and/or mixed use in nature, the Zoning Exhibit "C" shall also include but not be limited to building dimensions and location, structure height, used, parking specifications, floor area ratio and lot coverage, open space specifications, drainage features, landscaping and trees, floodplain/riparian details, and architectural style or elevations for illustrative purposes.
6. The Town may require further written documentation that describes and explains the Exhibit "C" layout.



7. The Exhibit "C" shall in no way vest rights for the property that are outside the regulations of the Zoning Ordinance and other applicable Town ordinances, as they currently exist or shall be amended.

### **6.13. SPECIFIC USE PERMIT (SUP) APPLICATION AND REVIEW**

#### **6.13.1. Specific Uses Permit Regulations and Procedures**

##### **A. Compatibility Considerations**

The Town Council in considering any request for Specific Use Permit shall only approve such request after it has determined that the use or uses allowed will not be detrimental to adjacent properties or to the Town as a whole.

The Director or the Town Council may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or buildings.

The Town council when establishing a Specific Use Permit shall establish conditions and regulations, in addition to those of the base zoning district, necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the Town. In addition, the use shall be in general conformance with the Comprehensive Plan and general objectives of the Town. These conditions may include but are not limited to:

1. Paving of streets and sidewalks
2. Means of ingress and egress to public streets,
3. Provisions for drainage,
4. Adequate off-street parking,
5. Protective screening and landscaping,,
6. Area or security lighting,
7. The locations and heights of structures,
8. Architectural compatibility of buildings,
9. Intensity of the use, and
10. Adequate traffic circulation required to contain all stacking activity on the site.

##### **B. Imposed Conditions for Approval**

1. 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 for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy.
2. Any special conditions shall be set forth in writing in the ordinance granting the SUP.

##### **C. Compliance Mandatory with Written Requirements**

No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the Preliminary Site Plan drawing(s) and approved by the Town Council.

##### **D. Timing**



1. If required, a building permit shall be applied for and secured with six (6) months from the time of granting the Specific Use Permit, provide however, that the Town Council may authorize an extension and the Town Council may review the Site Plan for continued validity.
2. If the Site Plan is determined invalid, the property owner(s) must submit a new or revised Site Plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit.

**E. Enlargement, Modifications, or Structure Alternation**

1. A building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:
  - a. Increase the height of structures, including antenna support structures;
  - b. Increase building square footage from its size at the time the original Specific Use Permit was granted by greater than ten (10) percent;
  - c. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the Town Thoroughfare Plan; or
  - d. Reduce the amount of open space as indicated on the previously approved zoning exhibit.
2. All other enlargements, modifications, structural alterations, or changes shall require the approval of a new Specific Use Permit.

**F. Zoning Map**

1. 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, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.
2. Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map.
3. Section 8.3 Specific Use Permits of this Ordinance shall list by the numerical designate each SUP and the conditions approved.
4. Specific Use Permits are issued to the property.

**G. Amend, Change, or Rescind a Specific Use Permit**

Upon holding a properly notified public hearing, the Town Council may amend, change, or rescind a Specific Use Permit if:

1. There is a violation of any of the provisions of this ordinance or any ordinance of the Town that occurs on the property for which the Specific Use Permit is granted;
2. The building, premise, or land use under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration, or change;
3. Violation of any provision of the terms or conditions of a Specific Use Permit;



4. Ad valorem taxes of the property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or with deception; or
6. The advertisement of a zoning change or Specific Use Permit shall be initiated by staff upon receipt of applicants' written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

#### **6.14. APPEALS AND THE APPEAL PROCESS**

##### **6.14.1. Appeal of a Temporary Building Decision**

- A. The applicant may challenge a decision by the Building Inspector by appealing, in writing, to the Town Council within fourteen (14) calendar days of a decision of the Building Inspector.

1. The Town Council's decision is final.

##### **6.14.2. Appeal of an Administrative Decision**

- A. The Town Council may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or Section 211.007, Texas Local Government Code as it exists or may be amended.

- B. In exercising the Town Council's authority herein, the Town Council may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Council has the same authority as the administrative official.

##### **6.14.3. Appeal of a Preliminary Site Plan**

- A. The applicant may appeal the decision of the Building Inspector regarding a Preliminary Site Plan by submitting a written notice of appeal to the Town.

1. The applicant must submit in writing a notice of appeal no later than fourteen (14) calendar days from the date of such decision.
  2. The Town Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Town.
  3. The Town Council may affirm, modify, or reverse the decision.
  4. The Town Council's decision is final.

##### **6.14.4. Appeal of a Site Plan**

- A. The applicant may appeal the decision of the Building Inspector regarding a Site Plan by submitting a written notice of appeal to the Town.

1. The applicant must submit in writing a notice of appeal no later than fourteen (14) calendar days from the date of such decision.
  2. The Town Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Town.



3. The Town Council may affirm, modify, or reverse the decision.
4. The Town Council's decision is final.

**6.14.5. Appeal of a Revised Preliminary Site Plan or Revised Site Plan**

- A. An applicant may appeal the denial of a revised Preliminary Site Plan or Site Plan to the Town Council in accordance with 6.14.3 Appeal of a Preliminary Site Plan or 6.14.4 Appeal of a Site Plan.

**6.14.6. Appeal of a Minor PD Amendment Decision**

- A. An applicant may appeal the denial of a minor amendment to the Town Council in accordance 6.14.4 Appeal of a Site Plan.

**6.14.7. Judicial Review**

The Town Council's decision is final unless appealed to district court within ten (10) days after the Council's decision is filed in the Office of the Town Secretary. Such appeal must be made in accordance with Chapter 211 of the Texas Local Government Code. The Council's decision is filed in the Office of the Town Secretary when the Council votes and makes its decision in open session.

**SECTION 7: DEFINITIONS****7.1. GENERAL**

Terms which are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Town staff shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Ordinance, or an interpretation which is consistent with previous usage or interpretation.

**7.2. WORDS AND TERMS DEFINED**

Accessory Structure: structures which are incidental to, and located on the same lot as, a principle building(s) including but not limited to, trash enclosures, sign structures, fences, walls, wind-powered systems and similar structures.

Alley: a right of way which provides secondary access to multiple properties, generally in the rear of the property and used for the purpose of service access and not intended for general travel.

Block: property designated on an officially recorded map existing within well-defined and fixed boundaries within a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way or municipal boundary lines which make it a unit.

Boarding House: a house providing food and lodging for paying guests.

Building: a structure for the support or shelter of any use or occupancy.

Building Area: the total square feet of floor area in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area.

Building Line: means a line established, in general, parallel to a property line, over which no part of a building shall project, except as otherwise provided in this Ordinance.

Building Inspector: the officer or other designated authority charged with the administration and enforcement of this Code.

Carport: a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall.

Certificate of Occupancy: a certificate issued by the Town after final inspection and upon a finding that the building, structure and/or development comply with all provisions of the applicable Town codes, permits, and requirements and approved plans.

Council: the Town Council for the Town of Lakewood Village.

Corner Lot: any lot that has two or more streets along two or more of its adjacent lot lines.

Director: the Mayor or his/her designee.

District: a zone or zoning district within which the use of land and structure and the location, height, and bulk of structures are governed by this title.





## DEFINITIONS

Dwelling Area: the area devoted to the living area in a residence or dwelling and is exclusive of porches, enclosed or open breezeways or other non-living space.

Family: an individual or two or more persons related by blood, marriage or adoption; or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living in a dwelling unit.

Floor Area: the same as Building Area.

Front Yard: that portion of a lot abutting the street and the front building line.

Garage: part of a home, or an associated building, designed or used for storing a vehicle or vehicles.

Garage Apartment: a dwelling unit erected in conjunction with a garage when the main structure is an owner occupied detached dwelling unit.

Glare: direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

Guest House: an accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.

Hazardous or High Risk Use: any use which in the determination of the Building Inspector or Director, presents a health or safety hazard due to excessive smoke, dust or odors, toxic fumes, noise, vibration, or danger of fire, explosion or radiation and involving materials meeting the "Degree of Hazard – 4" criteria of the Uniform Fire Code.

Height: the vertical distance measured from grade to the highest point of the structure.

Irrigation System: An automatic watering system designed for watering landscaping and landscaped areas for a specified amount of time at a specified time of day. Irrigation systems are typically used to conserve water and time. All irrigation systems shall be equipped with an approved backflow prevention device to protect the water supply (if connected to the Town of Lakewood Village water supply).

Lot: a designated parcel, tract, or area of land established by a plat and to be used, developed or built upon as a unit.

Lot Area: the total square feet of area within the lot lines of a lot, excluding any street right-of-ways. (43,560 ft<sup>2</sup> = 1 acre)

Lot Depth: the length of a line connecting the mid-point of the front and rear lot lines.

Lot Line: a property line that divides one lot from another lot or from a public or private street or any other public space.

Lot of Record: a lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Width: the length of a line, drawn perpendicular to the lot depth line at its point of intersection with the front yard line, connecting the side property lines.



## DEFINITIONS

**Main Building:** a building devoted to the principle use of the lot on which it is situated. In any residential district, a dwelling shall be deemed to be the main building on the lot which it is situated.

**Masonry Construction:**

**A. Primary Materials**

Unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and 3-step stucco process for all structures.

**B. Other Materials**

Other exterior construction materials for nonresidential structures are tilt wall concrete panels and sealed and painted concrete block.

**Mobile Home:** a transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective in 1975.

**Modular Homes:** a HUD-Code Manufactured home as defined in the Texas Manufactured Housing Standards Act, as amended.

**Nonconforming Use:** a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

**Nonconforming Structure:** a structure that does not conform to the design regulations of this ordinance and the zoning district in which it is located, but was lawfully erected under the regulations in force at the beginning of operation and has been a continued use since that time.

**Occupancy:** the purpose for which a building or land is used.

**Open Space:** any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Planned Development (PD):** any development planned from its inception and is typically constructed in a previously undeveloped area.

**Platted Lot Line:** a lot line that has been recorded with the official recording agency.

**Public Street:** any street in the Town of Lakewood Village that is not private.

**Rear Yard:** that portion of a lot between the rear lot line and the rear building line.

**Scenic Loft:** an elevated area for viewing located on a lot greater than two (2) acres and a part of a dwelling greater than five thousand (5,000) square feet of conditioned space and shall not be used as a bedroom and shall not have a bathroom.

**Side Yard:** that portion of a lot line between the side lot lines and the side building lines.



## DEFINITIONS

Single Family: a land use term referring to an individual, freestanding, unattached dwelling unit.

Special Use Permit (SUP): allows a specific exception to the zoning regulations from a list of acceptable exceptions for a particular parcel of land in a district of a particular zoning character.

Story: that portion of a building between any two successive floors or between the top floor and the ceiling above it.

Street Line: the right-of-way of a street.

Structure: that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Tree: a plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.

Variance: an adjustment in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances uniquely applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Yard: that portion of a lot which is required to be unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Ordinance.

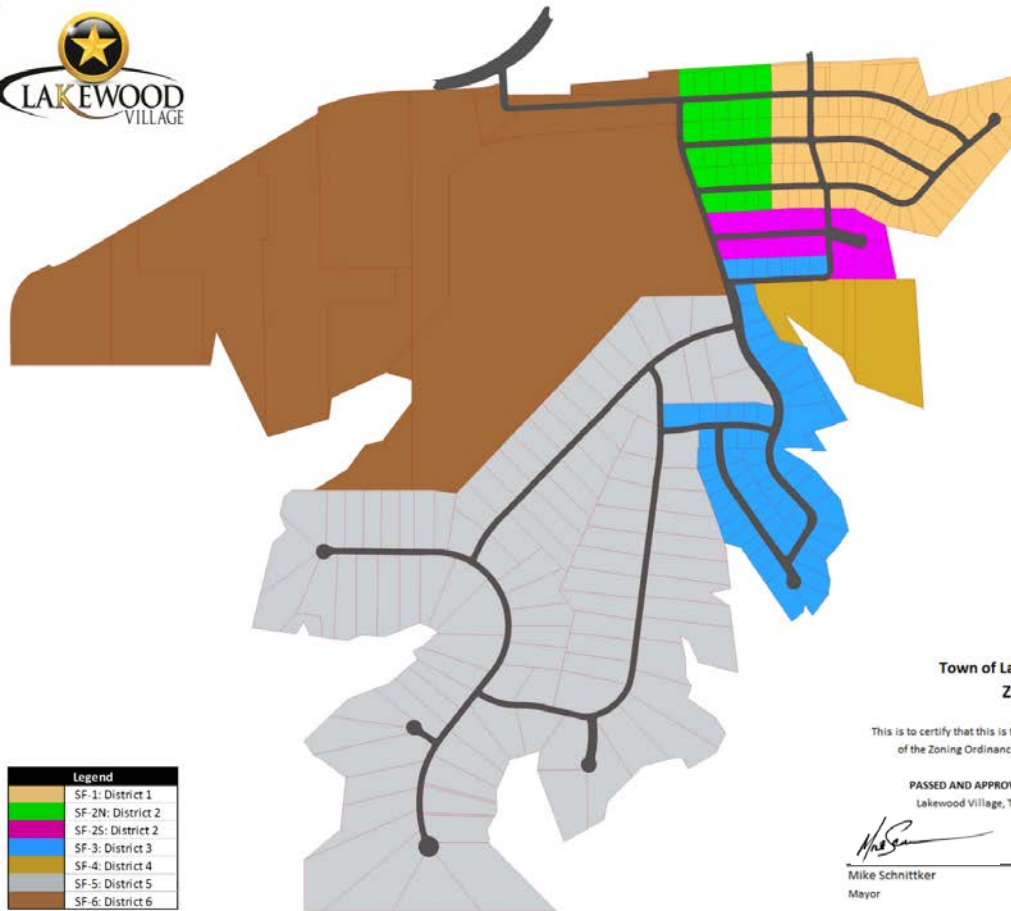
Wind-Powered Systems: windmills and/or wind turbines used to convert energy of the wind into electricity using rotating blades and are incidental to, and located on the same lot as the principle building(s).

Zoning District Map: the official map upon which the zoning districts of the city are delineated.



**SECTION 8: APPENDIX**

**8.1. DISTRICT MAP**



Legend	
	SF-1: District 1
	SF-2N: District 2
	SF-2S: District 2
	SF-3: District 3
	SF-4: District 4
	SF-5: District 5
	SF-6: District 6

**Town of Lakewood Village, Texas  
ZONING MAP**

This is to certify that this is the official Zoning Map referenced in Section 1 of the Zoning Ordinance of the Town of Lakewood Village, Texas.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the xx day of June 12, 2014.

Mike Schnittker  
Mayor

Linda Asbell  
Town Secretary

**8.2. PLANNED DEVELOPMENTS**

The Director shall maintain and update a list of all Planned Developments that shall be adopted in reference to this ordinance.

PD- #		
Application Date: xxx		
Location: xxx		
Acreage: xxx		
Districts: xxx		
Exhibits: xxx		

**8.3. SPECIFIC USE PERMITS**

The Director shall maintain and update a list of all Specific User Permits that shall be adopted in reference to this ordinance.

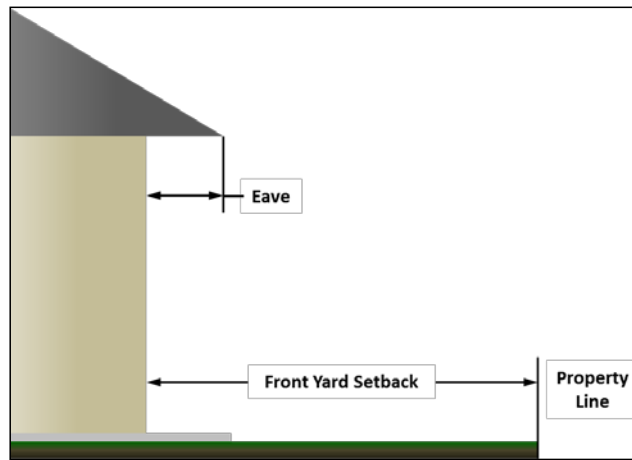
SUP- #		
Adoption Date: xxx		
Location: xxx		
Base Zoning: xxx		

## 8.4. ILLUSTRATIONS

The following illustrations are intended to be used as reference in this Zoning Ordinance.

### 8.4.1. Front Yard Measurement

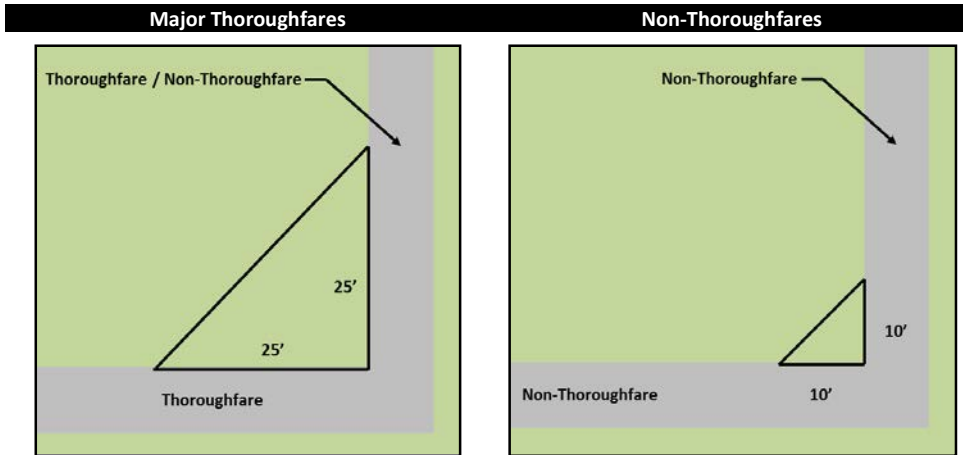
Refer to Table 2.4: Residential Districts Development Standards Table for setback requirements.



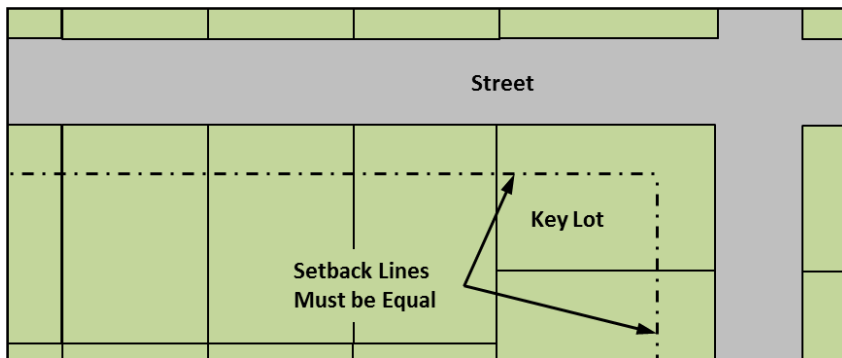
### 8.4.2. Staggered Front Yard Setbacks



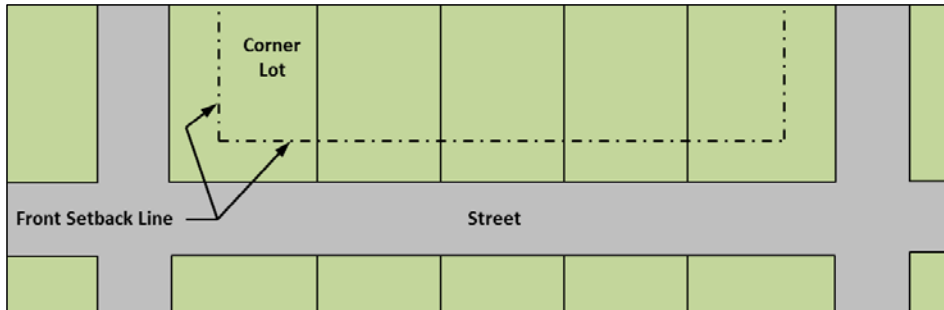
### 8.4.3. Corner Visual Clearance



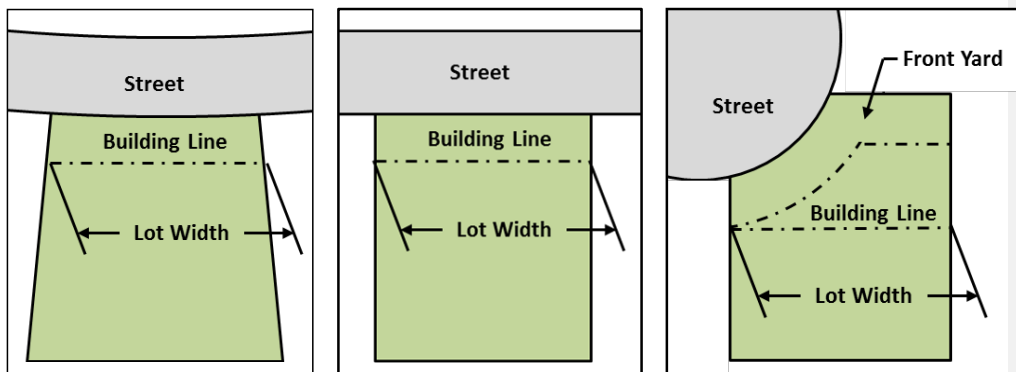
### 8.4.4. Key Lot Setbacks



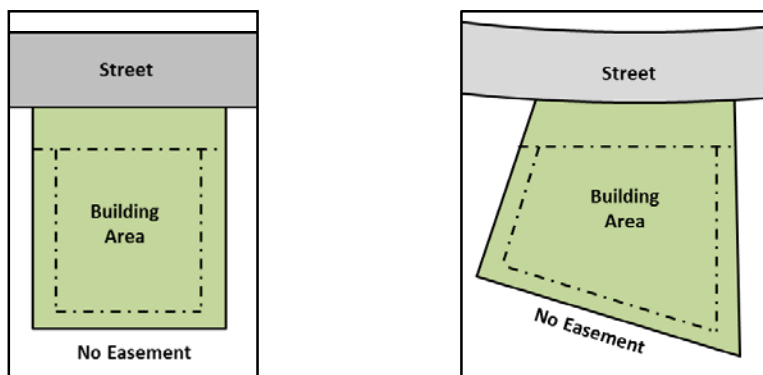
#### 8.4.5. Corner Lot Setbacks



#### 8.4.6. Measurements – Lot Width



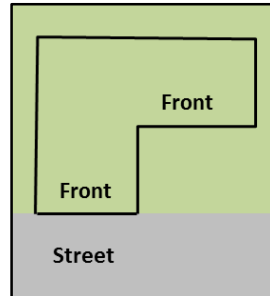
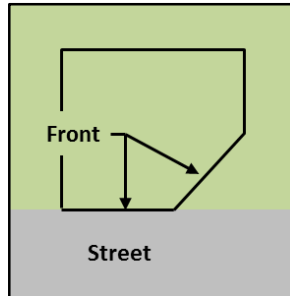
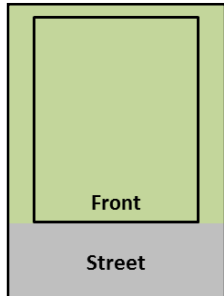
#### 8.4.7. Measurements – Side and Rear Setbacks



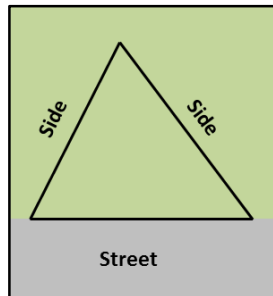
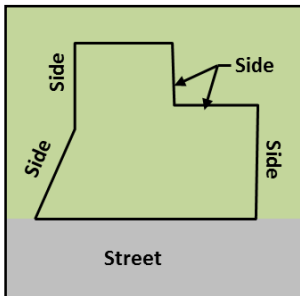


#### 8.4.8. Measurements – Yards

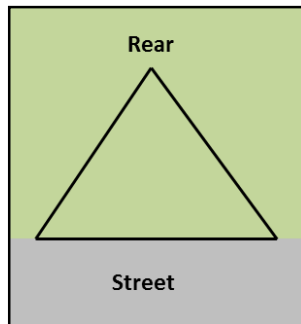
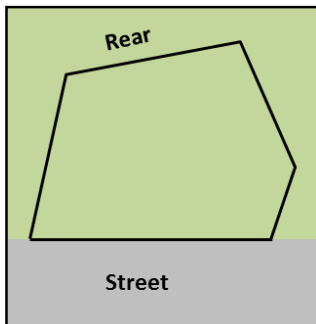
##### Front Lot Lines



##### Side Lot Lines



##### Rear Lot Lines





## End of Exhibit A

### Adoption and Summary of Amendments

Ordinance Number	Date	Summary
<a href="#">18-xx</a>		<ul style="list-style-type: none"><li>• <a href="#">2.4.4 Added max coverage for corner lots</a></li><li>• <a href="#">2.4.8.E Added section</a></li><li>• <a href="#">4.3.4.C</a></li><li>• <a href="#">4.3.4.C</a></li></ul>
14-04	June 12, 2014	<ul style="list-style-type: none"><li>• Updated layout and reorganized</li><li>• Discontinued use of term “section” to define zoning districts. Replaced with type and term district; single family district, multi-family district, etc.</li><li>• Updated defined terms</li><li>• Defined requirements for planned developments and special use districts.</li><li>• Defined zoning requirements for each district; lot size, building size, etc.</li><li>• Clarified requirements for accessory buildings; size, placement, etc.</li><li>• Updated zoning review procedures and review bodies.</li><li>• Added expiration and defined application process and requirements for completeness of applications.</li><li>• Added landscape, screening and lighting requirements.</li></ul>
13-09	July 1, 2013	REPEALED

# 2018-2019 Budget

## General Fund

	YTD	2019
<b>REVENUES</b>	<b>11/30/2018</b>	<b>Budget</b>
Property Taxes	\$7,213	\$306,000
Franchise Fees	\$706	\$30,000
Sales Taxes	\$4,996	\$25,000
Fines & Forfeitures	\$0	\$3,000
Licenses & Permits	\$2,075	\$41,600
Fees & Service Charges	\$10,175	\$42,600
Interest	\$284	\$3,000
Miscellaneous	\$732	\$3,000
<b>TOTAL</b>	<b>\$26,181</b>	<b>\$454,200</b>

	YTD	2019
<b>EXPENDITURES</b>	<b>11/30/2018</b>	<b>Budget</b>
General Government	\$28,348	\$176,900
Public Safety	\$0	\$25,000
Public Works	\$2,416	\$30,500
Capital Outlay	\$0	\$11,000
Debt Service (Principle)	\$0	\$158,000
Debt Service (Interest)	\$0	\$18,806
<b>TOTAL</b>	<b>\$30,764</b>	<b>\$420,206</b>

## Utility Fund

	YTD	2019
<b>REVENUES</b>	<b>11/30/2018</b>	<b>Budget</b>
Water	\$21,893	\$150,000
Sewer	\$14,759	\$106,000
Sanitation	\$6,430	\$50,000
Fees and Services	\$526	\$17,510
Other Income	\$17,030	\$2,000
Interest Revenue	\$130	\$1,000
<b>TOTAL</b>	<b>\$60,768</b>	<b>\$326,510</b>

	YTD	2019
<b>EXPENDITURES</b>	<b>11/30/2018</b>	<b>Budget</b>
Contract Services	\$12,400	\$151,800
Administrative	\$12,709	\$85,550
Repairs and Maintenance	\$1,746	\$34,300
Miscellaneous	\$0	\$1,000
Garbage Collections	\$3,481	\$46,000
Capital Improvements	\$9,805	\$10,000
<b>TOTAL</b>	<b>\$40,141</b>	<b>\$328,650</b>

# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**NOVEMBER 8, 2018**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Ed Reed – Mayor Pro-Tem  
Clint Bushong  
Elizabeth Shields  
Darrell West  
Serena Lepley

### **Town Staff:**

Linda Asbell, TRMC, CMC – Town Secretary

### **REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:03 p.m. on Thursday, November 8, 2018, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

### **PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the Pledge of Allegiance

### **VISITOR/CITIZENS FORUM:**

**(Agenda Item B)**

No one requested to speak

### **CONSENT AGENDA:**

**(Agenda Item C)**

1. Minutes of October 17, 2018 Council Meeting (Asbell)
2. Scrivener's Error Ordinance (Asbell)

**MOTION:** Upon a motion made by Councilman West and seconded by Councilman Bushong, council voted five (5) "ayes," no (0) "nays" to approve consent items as presented. *The motion carried.*

**REGULAR AGENDA:**

**(Agenda Item D)**

**Consideration of Financial Responsibility  
Ordinance (Vargus)**

**(Agenda Item D.1)**

Mayor Vargus reviewed the sunset provision in the ordinance. Council discussed removing the sunset provision in the ordinance. There was some discussion about requiring a councilmember to receive approval from the mayor and one of the two councilmembers authorized to sign checks before engaging in discussions with the attorney that require more than five billable hours.

**MOTION:** Upon a motion made by Councilman West and seconded by Councilwoman Lepley, council voted five (5) “ayes”, no (0) “nays” to approve the comprehensive financial controls ordinance as discussed. *The motion carried.*

**Discussion of Outdoor Lighting Ordinance  
(Reed)**

**(Agenda Item D.2)**

Mayor Pro-Tem Reed reviewed the need for an outdoor lighting ordinance to standardize lighting regulations for new developments. The outdoor lighting ordinance complies with the International Dark Sky Association requirements. Mayor Pro-Tem Reed reviewed the general provisions of the ordinance. There was some discussion about outdoor lighting on existing homes. Council thanked Mayor Pro-Tem Reed for all his work on this ordinance.

**Discussion of Gold Cart Ordinance (West)**

**(Agenda Item D.3)**

Councilman West reported this is an update to the 10-year-old ordinance. Councilman West reviewed the changes in the updated ordinance. The requirement to register a golf cart has been removed and the language has been updated to reflect the State regulations.

**Consideration of Republic Services Contract  
(Asbell)**

**(Agenda Item D.4)**

Mayor Vargus reported the new rates would not take effect until January 2020. Town Secretary Asbell reviewed the contract and the red-line changes she made in the proposed contract received from Republic Services. Mayor Vargus reviewed the rates proposed in the new contract.

**MOTION:** *No motion made.*

**Discussion of Concrete Roads (Vargus)**

**(Agenda Item D.5)**

Mayor Vargus reviewed the timeline of the 2013 concrete road project and the planning process for replacing remaining asphalt roads with concrete roads. Mayor Vargus reviewed the design issues that need to be addressed. Council discussed the cul-de-sac design at the end of Highridge, cable/fiber in the Shores, the Stowe Lane connector, using quick-set concrete, existing individual mailboxes and monuments at properties in The Shores, financing and tax rates, and new ordinances in construction zones. There was some discussion about the increasing price of concrete.

**Discussion of Water & Wastewater  
Improvements (Vargus)**

**(Agenda Item D.6)**

Mayor Vargus reviewed a map of sewer lines and lift stations in The Shores. Mayor Vargus reported on the Stowe Lane lift station being undersized for the flow it is being required to handle. There was discussion about changing the flow of the Carrie Lane lift station to send it to Melody Lane. Mayor Vargus requested council consider making this design change while the concrete road project is being considered. Mayor Vargus reported the steel water storage tank needs to have a liner installed which will seal the tank. Mayor Vargus reported that road base has been delivered to the water plant in advance of the equipment needed to drop the well motor as council discussed at a previous council meeting.

**Discussion of Municipal Court of Record  
(Asbell)**

**(Agenda Item D.7)**

Town Secretary Asbell explained the benefit to the town of being a court of record. There was some discussion about the process and requirements of becoming a court of record. Council will consider the ordinance creating a court of record at a future meeting.

**Discussion of Zoning Ordinance (Vargus)**

**(Agenda Item D.8)**

Mayor Vargus stated this is an ongoing review of the zoning ordinance to discuss changes to be considered for the future. There was some discussion about regulations on portable buildings, the masonry requirements, and exceptions like green houses. There was discussion about the adoption process of a zoning ordinance.

**LAKEWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
NOVEMBER 8, 2018**

**Page 4**

**Discussion of Year To Date Financial Report  
(Shields)**

**(Agenda Item D.9)**

Mayor Vargus reported that Councilwoman Shields requested the current year to date financial report and the end of year financial report for last fiscal year. Mayor Vargus stated the audited financial numbers will be presented next month by the auditor. Councilwoman Shields stated that she wants council to have discussions if the expenses get close to the budgeted numbers.

**EXECUTIVE SESSION:**

**(Agenda Item E)**

At 9:06 p.m. Mayor Vargus recessed into executive session in accordance with (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice regarding property damage claim involving Republic Services. (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices

**RECONVENE:**

**(Agenda Item F)**

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 9:29 p.m. No action was taken.

**REPORTS**

**(Agenda Item G)**

Mayor Vargus reported that some reserve funds have been transferred into the TexPool account.

Mayor Vargus reported the election day voting went smoothly.

**ADJOURNMENT**

**(Agenda Item H)**

**MOTION:** Upon a motion made by Councilwoman Lepley and seconded by Councilwoman Shields council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:33 p.m. on Thursday, November 8, 2018. The motion carried.

**LAKEWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
NOVEMBER 8, 2018**

**Page 5**

These minutes approved by the Lakewood Village Town Council on the 13th day of December 2018.

APPROVED

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Ed Reed  
MAYOR PRO-TEM

ATTEST:

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Linda Asbell, TRMC, CMC  
TOWN SECRETARY