

## CHAPTER 4

### General Requirements

#### SECTION 401. NONCONFORMITIES.

- (1) **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Village and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- (2) **HISTORIC PROPERTIES.** Any nonconforming property in the Village of Lakewood Club which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- (3) **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.

- (a) The nonconformity existed legally before the effective date of this Ordinance.
  - (b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
  - (c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
  - (d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right of way, or over a neighboring property line.
- (4) **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) consecutive months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.

- (5) **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- (6) **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired **PROVIDED** that such restoration does not exceed fifty percent (50%) of its assessed value, as determined by the assessing officer, exclusive of foundations, provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
- (7) **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
- (8) **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, **PROVIDED** the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- (9) **PRIOR CONSTRUCTION APPROVAL.** Nothing in this Section shall prohibit the completion of construction and use of a legal nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that all terms of the permit are fully complied with.
- (10) **DISTRICT CHANGES.** Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any uses or parcels that become nonconforming as a result of the boundary changes.

**TABLE 5  
REGULATIONS OF NONCONFORMITIES**

Instructions: Locate the situation in top line and nonconformity type in column.  
Move down the form to the situation and across from the type to find required action.

<b>TYPE</b>	<b>IF DISCONTINUED FOR 6 MONTHS</b>	<b>IF DAMAGED MORE THAN S.E.V.</b>	<b>IF DAMAGED LESS THAN S.E.V.</b>	<b>CHANGE IN USE (INCLUDING NEW BUILDINGS)</b>	<b>REMODELING, MAINTENANCE, CODE WORK</b>
ILLEGAL NONCONFORMING PARCEL	N.A.	N.A.	N.A.	Not permitted unless use is conforming.	Property must be kept in safe condition
ILLEGAL NONCONFORMING USE OF LAND	May not be resumed.	N.A.	N.A.	Not permitted unless use becomes conforming.	Property must be kept in safe condition.
ILLEGAL NONCONFORMING USE OF BUILDING OR STRUCTURE	May not be resumed.	Use must stop and may not be resumed.	Repairs allowed if use is not expanded.	Not permitted unless use becomes conforming.	Permitted so long as use is not expanded.
ILLEGAL NONCONFORMING DIMENSIONS OR SETBACK OF BUILDING	N.A.	Building must be rebuilt to fully comply with applicable district regulations.	May repair, but must reduce degree of nonconformance. Requires a variance.	New use and new building must adhere to ALL District Regulations.	Permitted, but may not create any greater degree of nonconformance.
ILLEGAL NONCONFORMING DIMENSIONS OR SETBACK OF STRUCTURE	N.A.	Structure must be removed.	Structure must comply with ALL district regulations. (May need to be removed.)	Structure must comply with ALL District Regulations. (May need to be removed.)	Permitted, but may not create any greater degree of nonconformance.
LEGAL NONCONFORMING PARCEL	N.A.	N.A.	N.A.	Permitted, but requires a variance.	Property must be kept in safe condition.
LEGAL NONCONFORMING USE OF LAND	May not be resumed.	N.A.	N.A.	Permitted, but must reduce degree of nonconformance	Property must be kept in safe condition.
LEGAL NONCONFORMING USE OF BUILDING OR STRUCTURE	May not be resumed.	May rebuild if all plans meet All OTHER district regulations.	May repair to pre-damage status.	Permitted, but must reduce degree of nonconformance	Permitted so long as use is not expanded.
LEGAL NONCONFORMING DIMENSIONS OR SETBACK OF BUILDING OR STRUCTURE	N.A.	May rebuild, but must reduce degree of nonconformance.	May repair to pre-damage status.	Permitted, but requires a variance.	Permitted, but may not create any greater degree of nonconformance.

- (11) **NONCONFORMING LOTS.** In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- (12) **REGULATION OF NONCONFORMITIES.**
- (a) **TABLE 5.** This table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by Village Officials.
  - (b) **INTERPRETATION.** Should any question arise concerning the interpretation of any provision of the **REGULATION OF NONCONFORMITIES TABLE**, or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final.
- (13) **INVENTORY OF NONCONFORMITIES.** The Village Zoning Administrator is required to establish and maintain an Inventory of Legal Nonconformities known to exist in the Village. Listed properties shall be arranged in the order of the Village Assessor's parcel identification numbers. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Code Enforcement Officer. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued.

All listed properties shall also be identified on a large scale map of the Village which shall be available for public inspection.

Each listing in the Inventory of Nonconformities shall include the following information.

- (a) Date each parcel listed on inventory.
- (b) Parcel identification number.
- (c) Property address.
- (d) Current owner(s).
- (e) Property description.
- (f) Parcel dimensions.

- (g) Sketch showing dimensions and setbacks of any buildings, structures, and parking areas on the parcel.
- (h) Current zoning district.
- (i) Current use of property.
- (j) Number of off-street parking spaces provided.
- (k) Description of all nonconformities (Use, lot, structures, and signs), and date nonconforming status occurred, if known.
- (l) Criteria met by the property allowing its listing as a legal nonconformity.
- (m) Any expansion of the base area of use made since the effective date of this Ordinance and the date this occurred.

**SECTION 402. USE REGULATIONS.**

- (1) **BUILDING PERMITS REQUIRED.** Any construction related to any type of zoning administrative approval shall be commenced only after written approval has been obtained from the Building Inspector. Construction involving minor repairs or alterations and which has a value of less than five hundred (\$500.00) dollars and does not conflict with this Ordinance shall not require a building permit.

If the Building Inspector finds that the structure or work being performed is in violation of this Ordinance, the building permit shall be revoked and all work immediately stopped. A notice of this action will be posted on the premises and the owner, agent or contractor shall be notified in writing by the Building Inspector that the structure or work being performed is in violation of this Ordinance. If the said person or persons shall fail or refuse to comply with this order and make the necessary corrections, then all work on the parcel shall stop immediately.

- (2) **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one hundred and eighty (180) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) **OCCUPANCY PERMIT.** Upon completion of a structure and all required site improvements per approved site plan, and before moving into a building in any district, an occupancy permit is required.
- (4) **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.

- (a) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - (b) Buildings or structures necessary for provision of essential services.
  - (c) Gardens, garden ornaments and usual landscape features within required yard space.
  - (d) Fences, walls, and screens within required yard space.
  - (e) Retaining walls.
  - (f) Public playgrounds.
  - (g) Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one (1) ton rated capacity.
  - (h) Home Occupations.
  - (i) Use of premises as a voting place.
  - (j) Storage sheds, playhouses, and shelters for transit or school bus passengers.
  - (k) Radio or TV antennas.
  - (l) Swimming Pools.
  - (m) Front yard handicap access facilities in residential districts, when proof of need is shown.
- (5) **REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable **indoor** water supply and with a safe and effective means of collection, treatment, and **indoor** disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Village of Lakewood Club and applicable State agencies. No outside toilet or privy shall be constructed on any premise. Portable toilets shall be permitted during construction of a structure or for special events on a temporary basis only.
- (6) **EXTERIOR LIGHTING.** All lighting for parking areas or for the external illumination of building or for the illumination of signs shall be directed away from and shall be shielded from adjacent districts and shall also be arranged so to not adversely affect driver visibility on adjacent thoroughfares.

- (7) **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- (8) **STORAGE OF GARBAGE.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.

When there is accumulated trees or brush on a parcel, the owner shall have sixty (60) days to remove brush and tress and clean up all residue from trees and brush upon receipt of a written permit from the building inspector.

In addition to any other penalties or remedies that may be available to the Village, the Village may have any junk, garbage, rubbish or other offensive materials removed from the parcel and the costs for such removal charged to the owner of the property and/or the person in possession of the property and may be collected as any other debt or assessed as a lien on the property and added to the taxes in the following year.

(9) **FENCES, WALLS AND NONBOTANICAL SCREENS.** Amended: April 25, 2005

A. Fences on all lots of record, in residential districts which enclose property, are permitted in any yard, subject to the following conditions contained in the following sub-section of this article. These restrictions apply only to fences located in areas of the Village zoned residential.

B. No fence may be constructed until:

1. A permit application and \$10.00 is submitted to the Village Office.
2. A Site Plan is submitted to the Village Office and approved.

C. The Site Plan shall include:

1. Setback lines from main structures.
2. Lot dimensions in relation to building structure.
3. Side, front and back yards:

**A front yard is:** A yard across the full width of the lot extending from the front line of the dwelling to the front line of the lot. All front yards shall be 40 feet in depth. In the case of a dwelling fronting on a street or highway on which there are existing neighborhood buildings or structures having front yards less than 40 feet, the minimum allowable front yard of all dwellings, hereafter

erected and fronting on such street or highway shall be as determined by the Building Inspector.

- a. **A side yard is:** A yard extending from the front yard or rear lot line, and from the side line of the dwelling to the side lot nearest that side of the dwelling, or of any accessory building attached thereto. Every dwelling hereafter erected on any lot or plot with sidelines of record shall be so located so that the side yard shall be not less than 13 feet.
- b. **A rear yard is:** A yard across the full width of the lot extending from the rear line of the dwelling to the rear line of the lot. Every dwelling hereafter shall have a rear yard not less than 15 feet in depth, provided however, that where a public alley or street abuts the rear of any lot or premises, the setback shall be 40 feet. Where it is impractical to provide a rear yard of the depth specified above, the Building Inspector shall have discretionary authority to reduce the required depth of rear yard, provided however, that in no case shall the rear yard be less than 12 feet in depth and provided further, that the minimum requirement for the narrower side yard shall be increased by six inches for each foot of reduction in depth in the rear yard, when both sides are of equal width, or where the total width of side yards is equal width or where the total width of side yards is less than 11 feet, six inches shall be added to each side yard for each foot of reduction in the depth of the rear yard. If the yard shape or lot make the above provisions inapplicable, the Building Inspector shall prescribe such yard requirements.

(Definitions are the same as found in the Village of Lakewood Club Building Code, Article II).

4. Closest point from house to road with measured footage.
- D. All fences shall be maintained in good condition as determined by the Village Ordinance Enforcement Officer.
  - E. Fences shall not exceed four (4) feet in height with fifty percent (50%) visibility, or three (3) feet in height if less than fifty percent (50%) visibility, if erected in the front yard where the property abuts a lake, stream, or street, or where the front is the yard on the lake, stream or street side. All other fences shall not exceed six feet in height.
  - F. Fences shall not extend into the street right-of-way at the front property line.

Exceptions: for the consideration of fence construction only, the front property line is deferred as the front line of record (address) and where the front yard abuts a lake or stream. Amended July 27, 2015



- G. Fences shall not obstruct vision at intersections.
- H. Fences on platted lots of record shall not contain barbed wire, electric current, charge of electricity, broken glass, bottle caps or chain link type fences with sharp wire edges upwardly exposed. Exception: Fences enclosing domesticated animals, and for bona fide farm operations may use barbed wire, electric current, or other materials necessary.
- I. No plantings fences, walls, hedges, berms or screens shall be established or maintained on any lot which will obstruct the view of any vehicle driver approaching the intersection of public roads, private streets or any combination thereof. The Building Inspector may require a distance of more than ten feet of unobstructed vision if necessary to provide for a clear vision area.
- J. All fence heights shall be measured at the vertical distance from the average elevation of the finished grade within 20 feet of the fence to the highest point of the fence.
- K. Fences which enclose public or institutional parks, playgrounds or public landscaped areas shall not exceed nine feet in height.
- L. Fences that are erected on the property line shall have the good side facing the street. Fences that are erected off the property line by two feet or more may have the good side facing the property owner.

**M. ENFORCEMENTS AND PENALTIES**

- 1. The enforcement of this Ordinance and penalty for violations shall be pursuant to Section 904.
- 2. Each day on which any such violation shall continue shall constitute a separate offense.

Fence Ordinance Amended: May 8, 2005

- (10) **STORAGE OF EQUIPMENT AND MATERIALS.** In all commercial and industrial districts, the open storage of any equipment, vehicles and all materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less in height than four feet six (4'6") inches measured from the surface of the adjacent building flooring, or greater than eight (8') feet.
- (11) **PARKING OF LICENSED RECREATIONAL EQUIPMENT.** Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage. All recreational equipment parked in the front yard must be parked on a driveway. Not more than one (1) piece of recreational equipment may be parked on a

parcel. Licensed and unlicensed recreational equipment may not be used for dwelling purposes except within a licensed campground.

- (12) **HEAVY TRUCKS.** Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semitruck tractors with trailers or semitruck trailers separate from tractors, is prohibited within any Residential Zoning District. Parking of semitruck tractors without trailers is allowed. This regulation does not apply to emergency vehicles or equipment.
- (13) **GLARE AND RADIOACTIVE MATERIALS.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (14) **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
  - (a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the municipality.
  - (b) All such buildings or structures shall be set back at least forty (40') feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
  - (c) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.
- (15) **GARAGE/YARD SALES.** Garage/yard sales may take place on any parcel for purposes of selling personal household goods and effects not including machinery or vehicles of any kind. A garage/yard sale requires a permit from the clerk of the Village. A fee for such permit will be charged at a rate established by the Village Council. Sales may take place between the hours of 8:00am and 5:00pm. Each sale may last no more than two (2) days. No more than two (2) sales may take place on any one parcel in any twelve-month period. All advertisement for such sale(s) must be removed immediately following the close of the sale.

## **SECTION 403. DWELLING REGULATIONS.**

- (1) **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Mobile Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
  - (a) **BUILDING CODE ADOPTED.** Pursuant to the provisions of Act 3 of the Public Act of 1895, as amended, the Village of Lakewood Club hereby adopts by reference the Michigan Building Code, that being MCL 125.1501, *et.seq.*, except where otherwise provided in this ordinance.
- (2) **MANUFACTURED/MOBILE HOME INSTALLATION.** In the event that a dwelling is a Mobile Home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Village Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each Manufactured/Mobile Home must have a perimeter wall of block or brick which has the same dimensions as the Dwelling. No Manufactured/Mobile Home shall have any towing mechanism, undercarriage or chassis exposed.
- (3) **USE OF MANUFACTURED/MOBILE HOME FOR TEMPORARY DWELLING.** A Temporary Zoning Permit may be issued for placement and occupancy of a Manufactured/Mobile Home which meets the U.S. Department of Housing and Urban Development's "Mobile Home Construction and Safety Standards" and the manufacturer's specifications for its installation, subject to the conditions in item (4), following.
- (4) **SITUATIONS IN WHICH TEMPORARY DWELLINGS ARE ALLOWED.** Use of a Manufactured/Mobile Home for a temporary Dwelling may be authorized under the following circumstances, within the limitations listed.
  - (a) **SINGLE FAMILY HOME UNDER CONSTRUCTION BY OWNER.** One (1) Manufactured/Mobile Home, housing only the owner(s) of a Parcel and their immediate family members, may be placed on any Parcel in any Zoning District which conforms to all dimensional requirements of this Ordinance during the construction of a Single Family Home to be occupied by the Parcel owner(s). Said Temporary Permit shall be valid for up to six (6) months, and may be renewed not more than once for the same period by the Zoning Administrator.
  - (b) **REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING.** One (1) Manufactured/Mobile Home may be placed temporarily, as noted, on any Parcel in the R-1 or R-2 Zoning Districts which conforms to all dimensional requirements of this Ordinance. Said Manufactured/Mobile Home may house only

the owner(s) of the Parcel and immediate family members during the repair of a Single Family Home which conformed to all dimensional requirements of this Ordinance and which they had occupied up to the date on which it was damaged to the degree that it cannot be occupied. Said Temporary Permit shall be valid for up to three (3) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Zoning Administrator.

- (c) **ADDITIONAL REQUIREMENTS.** All of the following requirements must be met before any Temporary Zoning Permit may be issued for placement and temporary occupancy of a Manufactured/Mobile Home.
1. **BUILDING PERMIT.** A building permit must have been issued to the Parcel owner(s) for construction or repair of a Single Family Home on the Parcel.
  2. **COMPLY WITH DISTRICT REGULATIONS.** Placement of the Manufactured/Mobile Home must comply with all Setback and Lot Coverage requirements for the applicable Zoning District.
- (5) **STRUCTURES TO BE OF UNIFORM QUALITY.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- (6) **AESTHETICALLY COMPATIBLE.** Dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") inches on all sides and contain steps connected to said exterior door areas where a difference of elevation requires the same.
- (7) **MAINTENANCE.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- (8) **ONE SINGLE FAMILY DWELLING PER PARCEL.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- (9) **FOUNDATION.** All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the Michigan Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
- (10) **DIMENSIONS.** All single family dwellings must have a minimum width across any front, side and rear elevation of twenty-four (24') feet and comply in all respects with the Michigan Code, excluding minimum heights for habitable rooms, regulated by

Manufactured Home Construction and Safety Standards, as amended for ceiling height of habitable rooms.

- (11) **ROOF.** All one or two-family dwellings, other than mobile homes located inside mobile home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6") inches beyond the walls.
- (12) **EXTERIOR DOORS.** Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- (13) **GARAGES IN RESIDENTIAL ZONING DISTRICTS.** The total square footage of garages may not exceed eight hundred and fifty (850) square feet. Garages for any dwelling units may provide storage for no more than the number of vehicles noted below.
  - (a) **SINGLE FAMILY DWELLINGS.** Three (3) vehicles, including not more than one (1) commercial vehicle with a load capacity of no more than one (1) ton.
  - (b) **ALL OTHER DWELLINGS.** Two (2) vehicles, including not more than one (1) commercial vehicle with a load capacity of no more than one (1) ton.
- (14) **ACCESSORY BUILDING NOT FOR DWELLING USE.** No portion of an accessory building in an R-1 or R-2 Zoning District is to be used as a dwelling.
- (15) **ACCESSORY BUILDING SIZE.** Accessory buildings on parcels greater than thirty thousand (30,000) square feet shall be permitted accessory buildings totaling one thousand six hundred (1,600) square feet and twenty (20') feet in height. Accessory buildings on parcels less than thirty thousand (30,000) square feet shall be permitted accessory buildings totaling one thousand two hundred eighty (1,280) square feet and twenty (20') feet in height.

No accessory structure may be located in the front yard. The front of the accessory building may be at the front building line of the principal building. All accessory buildings must be located at least ten (10') feet from all other buildings. The side yard setback shall be (6') feet and the back yard setback shall be (6) feet.
- (16) **ATTACHED GARAGE YARD REQUIREMENTS.** Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- (17) **STATE LICENSED RESIDENTIAL FACILITY.** No State licensed residential facility for six people or less shall be located within one thousand (1000') feet of another state licensed residential facility.
- (18) **PONDS.** Ponds of less than one (1) acre in area may be constructed as a landscaping enhancement to residential uses in the R-1 districts after plan review and issuance of a

building permit by the Village. Soils excavated for creation of these ponds may not be taken off the parcel site. The pond may only be located in a rear yard, have a surface area of fifteen (15%) percent or less of the lot area and must meet all setback requirements of principal structures in the district in which it is located. Design and construction specifications.

- (19) HOME OCCUPATION. A Home Occupation is any business carried on by one or more members of a family residing on the premises, providing it:
- (a) is operated in its entirety within the principal dwelling or accessory structure;
  - (b) does not have a separate entrance from outside the building;
  - (c) does not involve alteration or construction not customarily found in dwellings or accessory structures;
  - (d) does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
  - (e) does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure, with a maximum total area for the home occupation of five hundred (500) square feet;
  - (f) does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.
  - (g) does not employ any persons other than family members residing on the premises.
  - (h) is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
- (20) MOVING STRUCTURES. Structures intended to be moved into the Village must first have an approved site plan and necessary permits. All aspects of this ordinance and the Building Code must be complied with prior to the structure being moved into the Village.

## **SECTION 403, (21) RAZING BUILDINGS/BURYING DEBRIS**

### **A. INTENT OF ORDINANCE:**

1. Prevent the burying of any building materials or debris associated with the building construction of any portion of residence, fence, garage, outbuildings, swimming pool or commercial endeavor.

2. Prevent the burying of any demolition materials or debris associated with the demolition, razing or deconstruction of any residence, fence, garage outbuilding, swimming pool or commercial endeavor.
3. This section is not intended to prohibit the construction of a basement below ground, surface level, or any in-ground swimming pool.

**B. DEFINITIONS:**

1. Building: Any structure or portion of a structure whether constructed for commercial, residential, storage purposes or entertainment purposes.
2. Razing: The demolition or deconstruction of any building, part of building, foundation, swimming pool or fence.
3. Building material: Any material in any form used for, or part of, the construction or razing of any building, foundation, fence or swimming pool.
4. Burying: Placing any building material debris or demolition material debris, regardless of intent under or partially under the surface of the soil or under a building or foundation regardless of intent. Burying does not apply to the construction of a basement below ground surface level or any in-ground pool.

**C. ORDINANCE:**

1. Burying Building Material/Debris
  - a. It shall be unlawful to bury any building material or debris associated with the building of a structure.
  - b. It shall be unlawful to bury any building materials or debris associated with razing, demolition, deconstruction of a structure or part of a structure.

**E. ENFORCEMENT AND SANCTIONS:**

1. The illegal burying of debris as set forth in this ordinance shall constitute a misdemeanor offense of 93 days in jail and a fine of \$500.00.

**SECTION 403, (22) DEMOLITION / RAZING**

**A. INTENT OR ORDINANCE:**

To provide for a permit for the demolition of any demolition/deconstruction or razing of any building, part of building, foundation or swimming pool.

**B. DEFINITIONS:** Refer to Section 403, (21).

**C. ORDINANCE:**

Any demolition of any building or portion of building shall require the property owner to obtain a demolition permit before demolition begins.

Fee: The permit application fee is \$25.00

Location: The permit application shall be available at the Village Hall, 6681 Automobile Way.

**D. PENALTIES:**

Failure to obtain a permit for demolition shall result in a stop order on the demolition and a fine of \$100.00 for each day the homeowner is without permit.

Failure to obtain a permit for demolition is a 93 day misdemeanor.

**SECTION 404. PARCEL REGULATIONS.**

- (1) **MINIMUM LOT FRONTAGE.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.
- (2) **ACCESS TO A STREET.** Any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, or with access points to a street with curb and gutter, shall have a hard surfaced approach to a public street. All parcels created after the effective date of this Ordinance shall have access to a public street.
- (3) **SPACE USED ONCE.** Any yard or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.
- (4) **ADDITIONAL FRONT SETBACK.** Where the current right-of-way width of an arterial or collector street is less than its future right-of-way width as determined by the Village of Lakewood Club, an additional front yard setback from said street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future right-of-way width from the centerline of the current right-of-way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

**SECTION 405. STRUCTURE REQUIREMENTS.**

- (1) **PERMITTED YARD ENCROACHMENTS.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.



- (a) Open porches, open decks, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements. Amended 9/26/2016
    - (1) The highest finished elevation of the paved area or porch is not over three (3') feet above the average surrounding finished grade. Amended 9/26/2016
    - (2) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story. A roofed area may not exceed ten (10%) percent of the required side or rear yard and must meet required side and/or rear yard setbacks.
    - (3) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6') feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.
    - (4) If unroofed, decks may project a maximum of eight (8) feet into the front yard or side yard setback area, and may project a maximum of twelve (12) feet into a rear setback area. Amended 9/26/2016
  - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2.5') feet.
  - (c) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet into the yard.
  - (d) Signs, subject to provisions of Chapter 5.
- (2) PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
- (a) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in any Industrial Zoning District.
  - (b) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the B-1, B-2 and B-3 Zoning Districts or in any Industrial Zoning District.
  - (c) Water towers or standpipes shall be permitted to a maximum height of one hundred fifty (150') feet in any Zoning District.

- (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.
  - (e) Flagpoles in any B, or I Zoning District are permitted to a maximum height of sixty (60') feet.
- (3) TRAILERS OR OTHER TEMPORARY STRUCTURES. May not be used for commercial uses, except as allowed by special use permit in conjunction with Temporary Outdoor Uses.
  - (4) ROOF AND SURFACE DRAINAGE. If a building is equipped with gutters or other means for collection of roof water, the down spouts and/or roof water conductor pipes shall be discharged on unpaved ground or paved surface at a distance of at least three (3') feet from the building wall. Further the grade line at the building wall shall be sloped away from the wall at the rate of at least one inch per foot (1":1'), for a minimum of five (5') feet. Where settlement of the ground has occurred at the building wall, then the property owner is required to add fill to correct the condition to conform with this requirement.

**SECTION 406. OFF-STREET PARKING REGULATIONS.**

- (1) INTENT. This Section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.
- (2) TABLE OF OFF-STREET PARKING REQUIREMENTS. This Table is used to determine the number of parking spaces required for fixed levels of various Activities. The Table is contained in Chapter 3.
- (3) CALCULATIONS. To calculate the total number of spaces required for any Parcel, add the requirements for each existing or proposed Activity. Read down the "Land Use" column, identifying all Uses which apply to the Parcel. For each Use identified, determine the number of activity units involved and calculate the required number of parking spaces to serve that many units. Finally, add the requirements for all Uses to find the total number of spaces.
  - (a) USES NOT LISTED. Requirements for any Use not listed shall be the same as for the most similar Use which is listed. This is determined by the Zoning Administrator, with any disagreements submitted to the Zoning Board of Appeals.
  - (b) ADDITIONS. Added parking spaces must be provided in proportion to any changes in floor area or use on a Parcel.

- (c) **AVAILABILITY OF SPACES.** Parking spaces may count toward the requirement for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.
- (4) **REDUCTIONS IN PARKING REQUIREMENTS.** Parking requirements may be reduced in the following situations.
- (a) **MIXED USES.** In the case of mixed Uses, where each occupies at least twenty (20%) percent of the floor area of a Building and the operating schedules of any two such uses vary by a total of three hours in a typical day, the parking requirement for the Building, as determined using the Table, may be reduced by ten (10%) percent.
  - (b) **JOINT PROVISION OF OFF-STREET PARKING.** Where two or more abutting Parcels in any B or I Zoning District provide paved drives and sidewalks between parking areas, allowing travel between Parcels without use of a Public Street, the number of parking spaces required for each Parcel may be reduced by ten (10%) percent, in addition to reductions allowed by other provisions of this Section.
  - (c) **REDUCTIONS FOR FURTHER PUBLIC BENEFITS.** In any B or I Zoning District, the parking requirement for a Parcel which fronts on a County Primary or State Highway, other than an expressway, may be reduced by ten (10%) percent if any three (3) of the following conditions are met. This is in addition to other reductions allowed by this Section.
    - 1. No driveways open onto the major road.
    - 2. There are no Freestanding Signs in the Front Yard Setback area.
    - 3. The Principal Building is set back at least one hundred (100') feet from the major road Right of Way.
    - 4. At least twenty five (25%) percent of the parcel is devoted to natural woodlands, wetlands or landscape plantings.
    - 5. Sidewalks, including barrier-free curb cuts, are provided along the full length of all road frontages on the Parcel, with at least one walkway connection between any such frontage and the Building's main entrance.
    - 6. A service drive is provided along the entire major road frontage and connecting to parking areas on adjoining properties. Entrances to this drive from any Public Street may not be located within two hundred (200') feet of any intersection, unless said entrance is configured as a fourth leg of a "T" intersection.

- (5) **FRONT YARD PARKING.** No part of any front yard shall be used for any accessory building, garage, or other structure, nor shall any motor vehicle be parked in any front yard except upon a regularly constructed driveway. In addition, on a corner lot no motor vehicle shall be parked in the side yard abutting a public street except upon a regularly constructed driveway. In the case of driveways formed by a portion of a circle with two access points on the street, the portion of the driveway closest to the structure must be outside of the required front yard. Parking in the front yard is allowed for a period of 24 hours or less to accommodate necessary parking for a special event taking place on that parcel.
- (6) **RESIDENTIAL LOCATION.** Required residential off-street parking spaces shall consist of a parking bay, driveways, or combination thereof, and shall be located on the premises they are intended to serve. Parking shall be constructed to minimize the amount of pavement necessary.
- (7) **ALLEY ACCESS.** If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived except as otherwise specified in applicable Building Codes, provided that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of not less than twenty (20') feet shall be provided.
- (8) **PARKING DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.**
- (a) **PERMIT.** A site plan for all parking improvements is required, prior to the issuance of a Building Permit. A Building Permit is required for construction of any new, or expansion of any existing parking lot.
- (b) **SIZE OF SPACES.**
1. **STANDARD.** Parking spaces must be nine (9') feet wide by eighteen (18') feet long.
  2. **HANDICAPPED.** Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
  3. **OTHER.** Spaces for special vehicles, such as cars with boat trailers, must conform to dimensions as noted in the **TABLE OF OFF-STREET PARKING REQUIREMENTS.**
- (c) **HANDICAPPED SPACES.** Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be

provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

Total in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2% of total
over 1,000	20, plus 1 for each 100 over 1,000

(d) SURFACE.

1. GRAVEL. Where the TABLE OF OFF-STREET PARKING REQUIREMENTS allows parking areas to be gravel surfaced, this surface must be of a material that provides a durable, smooth and dustless parking lot which is graded to properly drain and dispose of storm water.
2. PAVED (HARD SURFACED). Where the TABLE OF OFF-STREET PARKING REQUIREMENTS requires parking areas to be paved, this pavement must consist of at least six (6") inches of reinforced concrete or two (2") inches of bituminous surface laid over six (6") inches of compacted crushed stone. Hard surface must be in place within one year of occupancy.
3. MIX OF SURFACE TYPES. For some combinations of Uses, the Table of Off Street Parking Requirements may specify both gravel and paved spaces. If some gravel surfaced spaces are to be built, they must be constructed as a separate parking lot, located farther from the Principal Building than any paved spaces. Access to the gravel lot may be only from the paved lot, not from any Public Street. If all spaces are paved, the total number of spaces may be reduced by up to ten (10%) percent.
4. NO PARKING ON FRONT LAWN. No portion of a residential front lawn area may be used for parking.

- (e) **PARKING AREA DESIGN, DRIVEWAYS AND AISLES.** In any required parking area larger than two (2) spaces, no space may be situated so that vehicles enter it directly from a Public Street. Driveways and aisles must be clearly identified and meet the following requirements:
1. **DRIVEWAY.** Each driveway opening to a Public Street must be approved by the agency having jurisdiction over the street. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90) degree angle.
  2. **STACKING AREA.** Each driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.
  3.  **AISLES.** Parking lot aisles shall be at least twenty (20') feet wide.
  4. **CLEAR VISION AREA.** All driveways shall have a clear vision area, unobstructed by Accessory Structures or plantings, within thirty (30') feet of any Public Street Right Of Way, for a sight distance of one hundred (100') feet along the near edge of the pavement in either direction.
  5. **STRIPING.** Except for parallel parking, all parking spaces shall be clearly striped and maintained.
  6. **LANDSCAPING.** Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- (f) **DRIVEWAY SPACING.** Each Parcel shall have no more than one driveway entrance and exit opening to any Public Street for each three hundred (300') feet of frontage, or fraction. Where more than one driveway is allowed, they shall be located at least one hundred fifty (150') feet apart. No driveway shall be located within fifty (50') feet of a street intersection.
- (g) **LIGHTING.** Off-street parking areas provided for any multiple family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback standards for Accessory Structures for the applicable Zoning District. No direct rays from said fixtures shall be directed at adjacent properties or Public Streets.

- (h) **SETBACKS.** Parking areas must be set back at least twenty (20') feet from any Public Street and conform to Side or Rear Yard Setbacks for Accessory Structures. Parking spaces shall be no closer than five (5') feet to any Principal Building. Bumper guards or curbs shall be installed to prevent yard encroachment.
  - (i) **SCREENING FOR RESIDENTIAL.** Any parking area larger than ten (10) spaces must have a Visual Screen not less than five (5') feet high running the full length of any side which adjoins a Parcel in the R-1 or R-2 Zoning Districts.
- (6) **ROADSIDE STAND OR TEMPORARY OUTDOOR USE.** Parking areas for such uses shall be so arranged that vehicles are not required to encroach upon the right-of-way with any portion of the vehicle when parked, or to back onto the right-of-way in reverse gear.

**SECTION 407. OFF-STREET LOADING REGULATIONS.**

- (1) **INTENT.** This Section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and minimize traffic interference caused by trucks parked for loading or unloading.
- (2) **DIMENSIONS OF LOADING SPACE.** Each loading space must be at least ten (10') feet wide and thirty (30') feet long. If roofed, it must have at least fifteen (15') feet of vertical clearance. Where it is expected that semitrucks will make daily deliveries, the loading space must be at least sixty (60') feet long.
- (3) **HARD SURFACE.** Loading spaces must be paved with a surface providing the equivalent load strength of five (5") inches of concrete. Hard surface must be in place prior to occupancy.
- (4) **LOCATION AND SETBACKS.** A loading space must be located within a side or rear yard, or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley. Loading spaces must conform to Setbacks for Accessory Structures for the applicable Zoning District.
- (6) **SOLID WASTE COLLECTION FACILITIES.** Loading areas for "dumpsters" present a different set of conditions than standard off-street loading spaces. These rules are intended to prevent unhealthy or unsightly solid waste handling facilities. They apply to any solid waste container so large that a mechanical device is required to empty it.
  - (a) **SCREENING AND ENCLOSURE.** Each container must be obscured from view from any adjoining Parcel by a Visual Screen which is at least as high as the container. Containers are to be protected by a fenced enclosure with a lockable gate, unless each container has a lid which is kept locked when waste is not being deposited or removed.

- (b) PAVING (HARD SURFACE). Each container site and an approach area for trucks shall be paved with reinforced concrete not less than five (5") inches thick.
- (c) SITING. Containers shall be located inside rear yards and meet all setback requirements for accessory structures. Trucks collecting waste shall not conflict with the orderly flow of traffic onto or through the Parcel or any parking areas thereon, nor block any portion of a Public Street or alley.

#### **SECTION 408. SEVERABILITY**

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

#### **SECTION 409. REPEAL OF CONFLICTING ORDINANCES**

All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

#### **SECTION 410. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon publication

Amended December 18, 2006



