

5-107 PERMITS, LICENSES. No building, structure or appurtenance shall be constructed, erected, altered, structurally or otherwise changed, remodeled, or improved, nor any such work be commenced upon any lands unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the City Clerk of the City of Westwood Hills, a building permit therefor, as herein provided. Applications for building permits shall be filed with the City Clerk of the City of Westwood Hills, setting forth the legal description of the lot, plot, tract or premise, together with a general description of the building, structure or appurtenance to be constructed, erected, altered, structurally or otherwise changed, remodeled or improved, including the approximate size and shape, square foot area, principal material of construction, location of the building, structure or appurtenance upon the lot, plot, tract or premise, the intended use and a set of detailed plans prepared by a professional architect. No such permit shall be issued unless such application sets forth in reasonable detail all of the information herein required, and it can be determined therefrom that the construction, erection, alteration, changing, remodeling or improving shall be in all respects in conformity with the provisions of this chapter. In the event of the refusal of the City Clerk to issue such a building permit, or in the event the City Clerk shall issue such a building permit, which the City Council or a property owner or citizen of the city shall feel violates the terms of this ordinance, the applicant, City Council, property owner, or citizen shall upon written request made within 10 days after such refusal or issuance have the right to a hearing before the Board at the next regular meeting or, in the Board's discretion, at a special meeting called for that purpose. At the conclusion of such hearing, the Board shall promptly render its decision and such decision shall be final.

Ordinance 28.

ORDINANCE NO. 28

AN ORDINANCE DIVIDING THE CITY INTO DISTRICTS; DEFINING CERTAIN TERMS USED THEREIN; IMPOSING REGULATIONS, PROHIBITIONS AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, MORALS AND GENERAL WELFARE; GOVERNING THE ERECTIONS OF BUILDINGS AND OTHER STRUCTURES; GOVERNING THE USE OF LAND AND PROPERTY FOR TRADE, INDUSTRY, RESIDENCE AND OTHER SPECIFIED PURPOSES; DESIGNATING THE KIND AND CLASS OF TRADE, INDUSTRY AND RESIDENCES; DESIGNATING THE PURPOSES FOR WHICH BUILDINGS AND OTHER STRUCTURES MAY BE PERMITTED TO BE USED, ERECTED, CONSTRUCTED, RECONSTRUCTED, ALTERED, OR REPAIRED; REGULATING AND LIMITING LOT OCCUPANCY AND SIZE OF THE YARDS; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Be it ordained by the governing body of the City of Westwood Hills:

ARTICLE 1 ZONING REGULATIONS

5-101 DEFINITIONS, Section 1. For the purpose of Article 1 of this chapter, certain terms and words are herein defined as follows:

- (a) Building. A structure having a roof, supported by columns or walls, whether or not completely enclosed.
- (b) Structure. Anything constructed or erected, the use of which demands a permanent location on the soil; or attached to something having a permanent location on the soil.
- (c) Appurtenance. A subordinate or accessory building or structure or portion of main building, the use of which is incidental and customary to that of the main building.
- (d) Dwelling. A building designated exclusively for residential occupancy.
- (e) Single Family. A single individual living upon the premises as a separate housekeeping unit or a collective body of persons, the relation between whom is of a permanent and domestic character, subsisting in common and living together upon the premises as a separate housekeeping unit.
- (f) Garage. An appurtenance for storage of motor vehicles.
- (g) Public Building. A building designed exclusively for city purposes.

(h) Board. The Board of Zoning Appeals as established by Section 5-301.

5-102 USE DISTRICT AND AREA REGULATIONS. Section 2, In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location of buildings in the two "use and area districts" designated as (a) residential district, and (b) retail district, The City of Westwood Hills is hereby divided into the aforesaid districts, the boundaries of which are shown upon the official city map. Except as hereinafter provided, no building, structure or appurtenance shall be erected, altered, structurally or otherwise changed, repaired, restored or improved, nor shall any building, structure, appurtenance, lot, plot, tract or premise be used for any purpose, other than is permitted by this article in the use and area district in which said building, structure, appurtenance, lot, plot, tract or premise is located.

5-103 RESIDENCE DISTRICT. Section 3. In a residence district, no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed, repaired, restored or improved unless otherwise provided in this article, except as:

A single family dwelling, public park, playground, church or public library.

The board may in its discretion when it deems advisable authorize exceptions to the regulations and restrictions herein by temporary permit for a period not exceeding one year after conducting a public hearing thereon. Two weeks' notice of said hearing shall be given by publishing in the manner set forth in Revised Ordinance 1-201.

5-104 RETAIL DISTRICT. Section 4. In a retail district, no building, structure, appurtenance, lot, plot, tract, or premise shall be used and no building, structure or appurtenance shall be hereafter erected or altered unless otherwise provided in this article, except as follows, to wit:

(a) Stores and Offices. Retail stores, stores for custom work, clinics, offices and banks.

(b) Shops. Bakery, barber, beauty, light dry cleaning and dyeing; confectionary, dressmaking, florist, tailor and shoe repair.

(c) Other Businesses. Printers, publishers, fire and police stations, and municipal buildings.

(d) Other Uses. Any and all uses enumerated in Section 5-103.

(e) Height Requirements. Buildings, structures and appurtenances to be used for any of the purposes enumerated in subsections (a), (b), and (c) of this section shall not exceed two stories in height.

(f) Exceptions. The board may in its discretion when it deems advisable authorize exceptions to the regulations and restrictions herein by temporary permit for a period not exceeding one year after conducting a public hearing thereon. Two weeks' notice of said hearing shall be given by publishing in the manner set forth in Revised Ordinance 1-201.

#### 5-105 PROHIBITIONS. Section 5.

(a) No dwelling shall be constructed or converted or used for occupancy by more than a single family.

(b) No business building shall be erected or any dwelling converted to or used for any business purpose nor business of any nature conducted within the City of Westwood Hills except in conformity with the use and area district in which located, as hereinabove set forth.

(c) No temporary or incompleated building or structure, nor any automotive equipment, trailer, garage or appurtenance incidental to a family dwelling shall be erected, maintained or used for residential or business purposes, temporarily or permanently.

(d) No incompleated building, structure or appurtenance shall be maintained or permitted for a period longer than six months.

(e) No building, structure or appurtenance damaged by fire or windstorm shall be permitted to remain in such damaged condition for a period longer than three months.

(f) No building material, construction equipment, machinery or refuse shall be maintained or kept in the open upon any lot, plot, tract or premise within a residence district other than during actual construction operations upon said premises or related premises.

(g) No building, structure or appurtenance or any lot, block, tract or premise shall be used or occupied for any

of the following purposes; (1) coal yard, lumber yard, junk yard; (2) tourist cabins, trailer camp; (3) feed store, poultry house, slaughter house, rendering or processing establishment; (4) multiple family residence, duplex, apartment house, lodging house, boarding house or rooming house, hotel, nursing home or hospital; (5) tavern, saloon, liquor store, night club; (6) manufacturing plant of any type or nature; (7) gas station, garage, or auto sales, whether new or used; (8) small animal hospital or kennels.

5-106 NON-CONFORMING USES. Section 6. No provision of Article 1 of this chapter shall apply to existing buildings, structures, or appurtenances, nor to the existing use of any building, appurtenance, or structure or land at the time of the adoption of such provision, but the provisions of Article 1 of this chapter shall apply to any alteration, change, structural or otherwise, repair or restoration of a building, structure or appurtenance to provide for a purpose or a use in a manner different from the use or purpose to which it was put before such alteration, change, structural or otherwise, repair or restoration; provided, that nothing in Article 1 of this chapter shall prevent the restoration or repair of a building, structure or appurtenance damaged not more than 50% of its value by fire, explosion, act of God or public enemy, or prevent the continuance of the use of such building, structure, or appurtenance, or part thereof, as such use existed at the time of such damage. A non-conforming use changed to a conforming use may not thereafter be changed back to a non-conforming use. When a non-conforming use has been discontinued for a period of six months, it shall not be re-established and future use shall be in conformity with the provisions of Article 1 of this chapter, notwithstanding the purposes for which the premises were erected or used.

5-107 PERMITS, LICENSES. Section 7. No building, structure or appurtenance shall be constructed, erected, altered, structurally or otherwise changed, remodeled, or improved, nor any such work be commenced upon any lands unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the City Clerk of the City of Westwood Hills, a building permit therefor, as herein provided. Applications for building permits shall be filed with the City Clerk of the City of Westwood Hills, setting forth the legal description of the lot, plot, tract or premise, together with a general description of the building, structure or appurtenance to be constructed, erected, altered, structurally or otherwise changed, remodeled or improved, including the approximate size and shape, square foot area, principal material

of construction, location of the building, structure or appurtenance upon the lot, plot, tract or premise, the intended use and a set of detailed plans prepared by a professional architect. No such permit shall be issued unless such application sets forth in reasonable detail all of the information herein required, and it can be determined therefrom that the construction, erection, alteration, changing, remodeling or improving shall be in all respects in conformity with the provisions of this chapter. In the event of the refusal of the City Clerk to issue such a building permit, or in the event the City Clerk shall issue such a building permit which the City Council or a property owner or citizen of the city shall feel violates the terms of this ordinance, the applicant, City Council, property owner, or citizen shall upon written request made within 10 days after such refusal or issuance have the right to a hearing before the Board at the next regular meeting or, in the Board's discretion, at a special meeting called for that purpose. At the conclusion of such hearing, the Board shall promptly render its decision and such decision shall be final.

## ARTICLE 2 PENALTIES

5-201 PENALTIES FOR VIOLATION OF ARTICLE 1. Section 8, Any person, firm, or corporation violating any of the provisions of Article 1 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00 for such offense. Each and every day that such violation continues shall constitute a separate offense.

## ARTICLE 3 BOARD OF ZONING APPEALS

5-201 BOARD OF ZONING APPEALS. Section 9. There is hereby created a Board of Zoning Appeals consisting of five taxpayers and residents of the city.

5-302 TERMS. Section 10. At a meeting at which this article is ordained, the Mayor shall, by and with the consent of the council, appoint such members, one to serve until the first regular meeting of the City Council in the first succeeding May, two to serve until the first regular meeting of the City Council in the second succeeding May, and two to serve until the first regular meeting of the City Council in the third succeeding May. Thereafter members shall be appointed at the first regular meeting in May of each year to serve for a term of three years. Vacancies shall be filled by appointment for the unexpired term. The members of such board shall serve without compensation.

5-303 POWERS. Section 11. The Board of Zoning Appeals shall administer the application of Article 1 of this chapter, and the regulations adopted in accordance with such Article including the power to hear and determine appeals from the refusal to issue building permits and to permit exceptions to or variations from the regulations contained in said article in accordance with the purposes, conditions and procedures specified in said article. Unless otherwise specified, the Board may not allow exceptions to said regulations for a period greater than 2 years by a special permit, nor issue more than one special permit for any such exception.

ARTICLE 4. VALIDITY OF CHAPTER.

5-401 VALIDITY OF CHAPTER. Section 12. Should any section, clause or provision of this chapter be invalid or unconstitutional, the same shall not affect the validity of the chapter as a whole, or any part thereof, other than the part so invalid or unconstitutional.

TAKE EFFECT. Section 13. This ordinance shall take effect and be in force from and after its publication.

Passed by the City Council this 2<sup>nd</sup> day of January, 1950.

Approved by the Mayor this 2<sup>nd</sup> day of January, 1950.

  
Mayor

ATTEST:

  
City Clerk

Published Jan 5 1951

Journal Entry at Page 53.

  
City Clerk

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Ordinance 28.