

SECTION 21 OFF-STREET PARKING AND LOADING REQUIREMENTS

Purpose: To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

21.1 Special Off-Street Parking Provisions - Residential District:

- A. All required parking spaces shall be located behind the required front setback line in the Residential districts.
- B. Required off-street parking shall be provided on the same site as the use it is to serve.
- C. No parking shall be allowed except on a paved concrete or asphalt parking space.

21.2 Off-Street Loading Space - All Districts:

A. All retail, commercial and industrial structures having three thousand (3,000) square feet or more of gross floor area, either in the building or lot, shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for each twenty thousand (20,000) square feet of gross floor area. A loading space shall consist of an area of a minimum of ten (10) by twenty-five (25) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.

B. Kindergartens, day schools and similar child training and care establishments shall provide paved off-street loading and unloading space on a private drive to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.

C. Uses not listed in Section 21 shall provide required off-street parking according to the most similar use listed in Section 21, as determined by the City Council.

D. Loading docks and areas shall be located within the building or on the lot adjacent to a public alley or private service drive.

21.3 Schedule of Parking Requirements Based on Use:

In all districts there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements:

A. Bowling alley: Four (4) parking spaces for each alley or lane.

B. Business or professional office, (general): one (1) space per three hundred (300) square feet of gross floor area.

- One (1) C. Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
- D. High school, college or university: One (1) space per each three (3) students accommodated in the institution.
- E. Library, museum or art gallery: One (1) parking space for each three hundred (300) square feet of floor area.
- F. Commercial amusement: Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of floor area over two thousand (2000) square feet.
- G. Day nursery: One and one-half (1.5) space per teacher.
- H. Bank, savings and loan: One (1) space for each three hundred (300) square feet of floor area.
- I. Dwelling, single family: Two (2) spaces per dwelling.
- J. Dwelling, two family: Two (2) spaces per dwelling.
- K. Dwellings, multi-family: Two and one-half (2.5) spaces per unit.
- L. Dwelling, single family attached: Two (2) spaces per dwelling and an additional one-half (1/2) space per unit for guest parking within the development.
- M. Mobile home subdivision: Two (2) spaces per stand or lot.
- N. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: One (1) parking space for each four hundred (400) square feet of floor area.
- O. Gasoline station: Minimum of four (4) spaces.
- P. Hospital: One and one-half (1.5) spaces per each bed.
- Q. Hotel: One (1) parking space for each (1) sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- R. Lodge, or fraternal organization: One and one-fourth (1.25) spaces per two hundred (200) square feet.
- S. Manufacturing or industrial establishment, processing or repairing: One (1) parking space for each two employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.
- T. Medical or dental office: One (1) space per three hundred (300) square feet of floor area.

- U. Mini-warehouse: Four (4) spaces per complex plus one (1) space per five thousand (5000) square feet of storage area.
- V. Mobile home park: Three (3) spaces for each mobile home plus additional spaces as required herein for accessory uses.
- W. Mortuary or funeral home: One (1) parking space for each two (2) persons normally accommodated in service.
- X. Motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- Y. Motor-vehicle salesrooms and used car lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1000) square feet of lot area for outdoor uses.
- Z. Nursing home: One (1) space per four (4) beds.
- AA. Private club, country club or golf club: One parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
- BB. Retail store or personal service establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area.
- CC. Restaurant, cafe or similar recreation or amusement establishment: One (1) parking space for every three (3) seats under maximum seating arrangement.
- DD. Rooming or boarding house: One(1) parking space for each sleeping room.
- EE. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
- FF. School, elementary or junior: One (1) parking space for each four (4) seats in the auditorium or main assembly room and one (1) space for each classroom.
- GG. Theater, auditorium (except school), sports arena, stadium or gymnasium: One (1) parking space for each three (3) seats or bench seating spaces.
- HH. Warehouse, wholesale, manufacturing and other industrial type uses: One (1) space for one thousand (1000) square feet of gross floor area or one (1) space per two (2) employees.
- II. Golf course: Minimum of thirty (30) parking spaces.

21.4 Rules for Computing Number of Parking Spaces: In computing the number of parking spaces required for each of the above uses the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

21.5 Location of Parking Spaces: All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.
- B. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

21.6 Use of Parking Spaces - All Districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

SECTION 22

HOME OCCUPATIONS

Purpose: The purpose of this section is to permit the conduct of some home occupations within residential districts which are compatible with the neighborhoods in which they are located. Some home occupations are a permitted accessory use in a residential district and are subject to the requirements of that district in which the use is located, in addition to the following:

22.1 General Provisions:

- A. Only the member of the immediate family occupying the dwelling shall be engaged in the home occupation;
- B. The home occupation shall be conducted only within the enclosed area of the dwelling unit, garage, or accessory structures. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises;
- C. There shall be no exterior alterations which change the character of the dwelling unit and/or exterior evidence of the home occupation other than those signs permitted in the district;
- D. No use shall create smoke, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use within the district;
- E. The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district;
- F. No home occupation shall cause a significant increase in the use of any utilities, or generate trash or refuse beyond the average of the residences in the neighborhood; and
- G. No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the premises.

22.2 Use Regulations:

A. The following are examples of uses which can often be conducted within the limits of this section. Uses listed in this section do not automatically qualify as a home occupation, nor does this listing limit the uses which may qualify as home occupations:

- 1. Accountant;
- 2. Artist;
- 3. Author;
- 4. Child Care (no more than 12 children);

5. Consultant;
6. Handicrafts;
7. Music/Art Instruction;
8. Notary;
9. Sewing; and
10. Tutor;

B. The following uses are incompatible with residential neighborhoods and thereby impair the character of residential areas. Therefore, these uses shall not be permitted as accessory uses in residential districts:

1. Auto Repair;
2. Barber/Beauty Shop;
3. Child Care (more than 12 children);
4. Painting/Bodywork on Vehicles or Boats;
5. Television/Appliance Repair; and
6. Welding;

22.3 Limitations: The City Council shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial or industrial zones of this ordinance.

SECTION 23

SPECIAL AND ADDITIONAL REGULATIONS

23.1 Lot Regulations:

A. Lot Area: The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

- B. Location of Dwellings and Buildings: Only one (1) main building for one-family and two-family use with permitted accessory buildings may be located upon a lot or unplatted tract. More than one (1) main building for multifamily, commercial, or industrial use may be located on a lot or unplatted tract. Each building shall face or front on a public street, other than alley, and shall have at least one means of access to such street with a minimum width of twenty five (25) feet. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the City Council so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one (1) building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.
- C. The minimum lot areas only apply to those properties served by public sewer systems. For those properties unserved by public sewer systems, compliance with minimum standards established by the State for private sewer systems is required.

23.2 Front Yards:

- A. 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).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- C. Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty-five (25) feet (except as approved by "PD").
- D. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.
- E. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

F. Visual clearance shall be provided in all zoning districts so that no fence, screen, earth mounding or wall, architectural screen, earth mounding or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.

On any corner lot for which front and side yards are required herein, no wall, fence, structure, sign, tree, or other planting or slope terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner.

G. Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10) feet to the property line.

H. 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, the front or side yard shall be measured from the future right-of-way line.

23.3 Side Yards:

A. Every part of a required side yard shall be open and unobstructed except for (a) accessory buildings as permitted herein; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side yard; and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.

B. For multi-family structures in the R-3 and PD Districts, a minimum side yard, or space between adjoining buildings, shall be thirty (30) feet between building walls when such walls have openings for windows and access, and twenty (20) feet when no openings exist.

C. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of twenty-five (25) feet shall be provided on the nonresidential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side (or rear) property line.

23.4 Rear Yards:

A. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

23.5

Swimming Pools: It is the purpose of the following provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

A. Permits and Approvals: No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

B. Requirements: A swimming pool may be constructed and operated when:

1. the pool is not located in any required front or side yard abutting a street;
2. a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
3. all lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
4. no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
5. the swimming pool is no closer than eight (8) feet from any property line.

SECTION 24

ACCESSORY BUILDING REGULATIONS

24.1 In a residential or apartment district, an accessory building is a subordinate building exceeding one hundred twenty (120) square feet of floor area, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented.

24.2 In other districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

24.3 No accessory building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.

24.4 Area Regulations for Accessory Buildings in Residential Districts:

A. Size of Yards:

1. Front Yard: Attached front accessory buildings shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear or side yard.
2. Side Yard: There shall be a side yard not less than five (5) feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than fifteen (15) feet.
3. Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described shall not be located closer than fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.
4. Any garage constructed in a residential district shall be set back not less than fifteen (15) feet from any street or alley line on which it faces.

SECTION 25

PLATTING PROPERTY NOT PERMANENTLY ZONED

- 25.1 The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.
- 25.2 The City Council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.
- 25.3 In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

SECTION 26

CLASSIFICATION OF NEW AND UNLISTED USES

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

- A. The building inspector shall refer the question concerning any new or unlisted use to the City Council requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and determine the zoning district or districts within which such use should be permitted.
- C. The City Council shall by resolution approve or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
- D. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs A, B, and C above shall be followed.

SECTION 27

CREATION OF BUILDING SITE

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

- A. The lot or tract is part of a plat of record, properly approved by the Mayor, and filed in the Plat Records of Navarro County, Texas.
- B. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City, whichever is applicable, 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 Paragraph "A" preceding.
- C. The plot or tract is all or part of a site plan officially approved by the City 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. Any and all plots, tract or lots must be provided access via a public street or drive.

SECTION 28

NON-CONFORMING USES AND STRUCTURES

28.1 A non-conforming status shall exist when:

A. A use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.

28.2 No non-conforming use or structure may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date of this ordinance except to provide off-street loading or off-street parking space upon approval of the City Council.

28.3 Repairs and normal maintenance may be made to a non-conforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

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

28.5 Where a conforming use is located in a non-conforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official.

28.6 Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of one (1) year shall be construed as conclusive proof of intent to abandon the non-conforming use. Any non-conforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

28.7 If a non-conforming structure or a structure occupied by a non-conforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to the provisions of this ordinance. In the case of partial destruction of a non-conforming use not exceeding sixty (60) percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the City Council, but the size and function of the non-conforming use shall not be expanded.

SECTION 29

CITY COUNCIL TO ACT AS PLANNING AND ZONING COMMISSION

29.1 The City Council is hereby empowered to act as the Planning and Zoning Commission with all duties and responsibilities as provided under the laws of the State of Texas.

29.2 The City Council shall further have the authority to employ such qualified persons as may be necessary for the proper conduct of its undertakings, and to pay for the services of such persons and other necessary expenses.

29.3 Powers and Duties: The City Council shall have the power and the duty to make and recommend for adoption a master plan, as a whole or in parts, for the future development and redevelopment of the City and all land under its control. The City Council shall further perform such other duties as may be prescribed by state law.

SECTION 30 CITY COUNCIL TO ACT AS ZONING BOARD OF ADJUSTMENT

30.1 The city council is hereby empowered to act as the Zoning Board of Adjustment with all duties and responsibilities as provided under the laws of the State of Texas

30.2 Appeals:

A. Procedure: Appeals may be taken to and before the City Council by any person aggrieved, or by any officer, department, board, or bureau of the city. Such appeal shall be made and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the City Council all of the minutes constituting the record upon which the action appealed from was taken.

B. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the City Council that by reason of facts in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Council or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

C. Notice of Hearing on Appeal: The City Council shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the City Council to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

D. Decision by the Council: The Council shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Council may reverse or affirm wholly or partly or may modify the order, requirements, decisions or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer or department from whom the appeal is taken.

E. The concurring vote of four (4) members of the City Council shall be necessary to revise any order, requirement, decision or determination of any such administrative official or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.

30.3 Powers and Duties of Board:

A. Subpoena Witnesses, Etc.: The City Council shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents, under such regulations as it may establish.

B. Appeals Based on Error: The City Council shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the City Council shall have, in addition, the following specific powers:

1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
2. To permit a public utility or public service or structure in any district, or a public utility of public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
4. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, where the City Council finds some compelling necessity requiring a continuance of the nonconforming use.
5. To waive or reduce the parking and loading requirements in any of the districts, when (1) the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (2) when such regulations would impose an unreasonable hardship upon the use of the lot. The City Council shall not waive or reduce such requirements merely to the purpose of granting an advantage or a convenience.

C. Variances: 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 concept plan, detail site plan or development plan, preliminary plat or final plat required by this ordinance has not been finally acted upon by the City Council. All administrative procedures and requirements of this ordinance, applicable to concept plans, detail site plans, preliminary plats and final plats must be exhausted prior to requesting a variance from the terms of this ordinance.

1. The City Council shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. In executing its power to grant such variances, the City Council may:

a). permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare; and

b). authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its general purpose and intent, but only when the City Council is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the standards or regulations established by this ordinance and at the same time, the surrounding property will be properly protected. Financial hardship shall not be considered grounds for the issuance of a variance.

2. A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

a). that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

b). that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

- c). that the special conditions and circumstances do not result from the actions of the applicant;
- d). that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
- e). no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

D. Changes: The City Council shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to time. The City Council may not change the district designation of any land either to a more restrictive or less restrictive zone.

SECTION 31 RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS

31.1 General Rules of Construction: The following rules of construction shall apply to the interpretation of words used in this ordinance:

- A. words used in the present tense include the future tense;
- B. words used in the singular number include the plural number;
- C. words in the plural number include the singular number;
- D. the words "building" and "structure" are synonymous;
- E. the words "lot", "plot" and "tract" are synonymous;
- F. the word "shall" is mandatory and not discretionary; and
- G. except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

1. Accessory Use or Building - A use or building subordinate to and detached from the main building, greater than one hundred twenty (120) square feet in floor area, and used for purposes customarily incidental to the primary use of the premises.
2. Airport or Landing Field - An area improved for the landing or take-off of aircraft approved by the City of Angus for operation as an aircraft landing facility.
3. Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

4. Antique Shop - An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.
5. Apartment - A room or suite of rooms in a multi-family dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.
6. Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.
7. Area of the Lot or Building Site - The area shall be the net area of the lot or site and shall not include portions of streets and alleys.
8. Art Gallery or Museum - An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.
9. Basement - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.
10. Block - An area enclosed by streets and occupied by or intended for buildings; where this word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.
11. Board of Adjustments - The city council acting as the Board of Adjustments.
12. Boarding or Rooming House - A building, other than a hotel or multiple family dwelling, where lodging is provided for five (5) or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.
13. Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.
14. Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwelling, the term "building end" shall mean the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.

15. Building Inspector - The Building Official or person charged with the enforcement of the zoning and building codes of the City.
16. Building Line A line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.
17. Building Material Sales - The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which is oriented to the retail customer, rather than contractor or wholesale customer.
18. Building Official - The Building Inspector.
19. Cellar - A building story with more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
20. Certificate of Occupancy and Compliance - An official certificate issued by the City through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.
21. Church or Rectory - A place of assembly and worship by a recognized religion including without limitation synagogues, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors on the premises.
22. City Administrator - Chief administrative officer of the City.
23. City Council - The governing body of the City.
24. Clinic, Medical or Dental - Facilities for examining, consulting and treating patients including offices, laboratories and outpatient facilities, but not including hospital beds and rooms for acute or chronic care.
25. Club, Private - A club room or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.
26. College or University - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
27. Commercial Amusement (Indoor) - An amusement enterprise wholly enclosed and operated within an acoustically treated building such as a bowling alley or pool hall.

- 28. Commercial Amusement (Outdoor) - An amusement enterprise offering entertainment to general public such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.
- 29. Community Center (Private)- A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private community center shall not be operated as a place of public meetings or as a business nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.
- 30. Community Center (Public) - A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.
- 31. Convalescent Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.
- 32. Country Club (Private) - An area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.
- 33. Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.
- 34. Coverage - The percent of a lot or tract covered by the roof or first floor of a building.
- 35. Day Nursery, Day Camp or Kindergarten School - An establishment where four (4) or more children are left for care or training during the day of portion thereof including a recreation area with or without a building where children engage in supervised training or recreation during daylight hours.
- 36. Depth of Lot - The mean horizontal distance between the front and rear lot lines.
- 37. District - A section of the City for which the regulations governing the area, height or use of the land and buildings are uniform.

38. Dwelling, Multiple-Family - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.
39. Dwelling, One-Family - A dwelling unit having accommodations for and occupied by not more than one family, or by one family and not more than four (4) boarders and lodgers.
40. Dwelling, Two-Family - A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four (4) boarders and lodgers.
41. Dwelling Unit - A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.
42. Eating Place Without Drive-In or Curb Service - Any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.
43. Family - Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption.
44. Farm Accessory Building - An accessory structure on a tract qualifying as a farm as herein defined for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary. Animals or poultry shall be located nearer than one hundred (100) feet to the bounding property lines of the farm tract.
45. Farm, Ranch, Garden or Orchard - An area of five (5) acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
46. Fire, Police or Municipal Building - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.
47. Flea Market - A collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.
48. Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.

49. Floor Area Ratio - The ratio of total building floor area to lot area.
50. Golf Course (Commercial) - A golf course, privately owned but open to the public for a fee and operated as a commercial venture.
51. Guest House (detached) - A secondary structure on a lot or tract containing dwelling accommodations excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.
52. Height - The vertical distance of a building measured from the average established grade at the street line on from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
53. Heliport or Helistop - A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft and subject to approval by the City of Angus.
54. Home for Aged, Residence - A home where elderly people are provided with lodging and meals without nursing care being a primary function.
55. Home Occupation - Any occupation or activity not involving the conduct of a business which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory structure by an immediate member of a family residing on the premises. Also, there is no advertising other than an identification sign of not more than four (4) square feet in area and no other exterior identification of the home occupation or variation from the residential character of the main building or accessory structure; no equipment used which creates noise, vibration, smoke, dust, odor, heat, glare, fire hazard, or electrical interference beyond that normally associated with the average residential use of the district; and the home occupation does not create any significant increase in vehicular flow, parking, pedestrian traffic, the use of utilities, or the generation of trash and refuse beyond the average of the residences in the neighborhood.
56. Hospital (general acute care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

57. Hospital (chronic care) - An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas.
58. Institution for Alcoholic, Narcotic or Psychiatric Patients - An institution offering resident or outpatient treatment to alcoholic, narcotic or psychiatric patients.
59. Kindergarten or Nursery School - An establishment where more than Twelve (12) children are housed for care or training during the day or portion thereof.
60. Library, Art Gallery or Museum (public) - Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
61. Light Fabrication and Assembly Processes - The fabrication, assembly or manufacture of products, including but not limited to jewelry, trimming decorations, signs, and similar items, which does not involve generation of noise, odor, vibration, dust or hazard.
62. Living Unit - The room or rooms occupied by a family and which includes cooking facilities.
63. Local Utility Line - The usual electric power, telephone, gas, water, sewer, and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.
64. Lodging House - A building where lodging for five (5) or more persons is provided in exchange for compensation.
65. Lot Coverage - The percentage of the total area of a lot occupied by the base (first story of floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building.
66. Lot Depth - The mean distance between the front and rear lot lines.
67. Lot Lines - The lines bounding a lot as defined herein.
68. Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Hunt County; or a parcel of land, the deed for which is recorded in the office of the county clerk of Hunt County prior to the adoption of this ordinance.

69. Lot or Building Site - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

70. Lot Width - The width of a lot at the front building lines.

71. Main Building - The building or buildings on a lot which are occupied by the primary use.

72. Manufactured Home - Same as "Mobile Home" except constructed on or after June 15, 1976.

73. Manufacturing Processes - Uses restricted from other zoning districts but permitted in the "I-1" and "I-2" districts under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.

74. Mobile Home - Means a structure constructed prior to June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. References in this ordinance to "mobile home(s)" shall be taken to be references to HUD Code manufactured home(s).

75. Mobile Home Park - A tract or parcel of land used to accommodate mobile home units and accessory structures as a semi-permanent place of residence.

76. Mobile Home Subdivision - A tract of land subdivided into lots which are designed as permanent sites for mobile or relocatable homes and which are served by separate utilities, dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots.

77. Modular (Industrialized) Home "Modular (Industrialized) Home" means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.
78. Motel or Hotel - A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six (6) or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.
79. Multiple Family Dwelling - Any building or portion thereof which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.
80. Non-conforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto and which does not conform to the use regulations of the district in which it is situated.
81. Nursing Home or Residence Home for Aged - A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.
82. Occupancy - The use or intended use of the land or buildings by proprietors or tenants. ---
83. Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.
84. Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.
85. Park or Playground (Public) - An open recreation facility or park owned and operated by a public agency such as the City of Angus or the School Board and available to the general public for neighborhood use but not involving lighted athletic fields for nighttime play.

86. Parking Lot or Structure, Commercial (Auto) - An area or structure devoted to the parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an integral function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.
87. Planning and Zoning Commission - The City Council acting as the Planning and Zoning Commission.
88. Plant Nursery or Greenhouse - Retail or wholesale sales of plant materials and supplies either enclosed in a building, lath house, or in the open and with related storage of equipment for landscape contracting.
89. Playfield or Stadium (Public) - An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.
90. Private Club - See Club, Private.
91. Private Garage - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.
92. Private School - An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.
93. Private Utility (Franchised) - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Angus.
94. Public Building, Shop or Yard of Local, State or Federal Agency - Facilities such as office buildings, other than City Hall, Library, Police or Fire Station, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center or Experiment Station.
95. Quick-Service Food and Beverage Shop - An establishment offering food or beverage to customers either through an automobile pick-up window or a walk-up window, and with eating space provided within the building.
96. Radio, Television or Microwave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.

97. Radio, T.V. and Appliance Repair - A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.
98. Residence - Same as dwelling; when used with district, an area of residential regulations.
99. Restaurant or Cafeteria (Not of Drive-In Type) - An establishment serving food to the general public in specific, designated dining areas and shall not include drive-in establishments where food is eaten in automobiles.
100. Restaurant or Eating Establishment (Drive-In Service) An establishment designed and constructed to serve food for consumption on the premises in an automobile and which establishment may or may not have on-premises dining room or counter.
101. Retail Shop, Apparel, Gift, Accessory and Similar Items - Small retail shops such as dress shops or gift shops serving specific neighborhood areas as differentiated from department stores or discount stores having community wide service importance.
102. Rooming House - (see Lodging House).
103. School, Business - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.
104. School, Commercial, Trade or Craft A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.
105. School, Public or Denominational - A school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.
106. Second Hand Store, Furniture or Clothing - An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.
107. Sign - An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on premises.

108. Single Family Dwelling (attached) - A building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family and which is attached by one or more common wall(s) to another similar single family dwelling unit. An attached dwelling shall be designed to permit separation from an adjoining dwelling in the event either dwelling is caused to be removed.
109. Single Family Dwelling (detached) - A detached building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family.
110. Stable, Commercial - A structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sale barn, auction or similar trading activity.
111. Stable (private) - An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.
112. Street - Any thoroughfare or public driveway, other than an alley, more than thirty (30) feet in width, which has been dedicated or deeded to the public for public use.
113. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way.
114. Story - The height between the successive floors of a building of from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
115. Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.
116. Structure - (Same as Building.)
117. Studio: Art, Music, Ceramics, Drama, Speech, Dance and Similar Skills - A building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.
118. Swimming Instruction as a Home Occupation - The teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a Specific Use Permit which may specify operating conditions and standards and may limit the number of students and operating time.
119. Swimming Pool (Commercial) A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

120. Swimming Pool (private) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.

121. Telephone Exchange, Switching and Transmitting Equipment Only
- A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.

122. Temporary Field or Construction Office Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

123. Tennis Court, Private A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.

124. Thoroughfare - (Same as Street.)

125. Two Family Dwelling - A single detached building located on a platted lot or building site designed for and occupied by not more than two (2) families.

126. Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

127. Wrecking or Auto Salvage Yard --A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

128. Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

129. Yard, front - An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

130. Yard, rear - an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.
131. Yard, side - An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.
132. Zoning District Map - the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this ordinance.
133. Zoo (Private) - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.
134. Zoo (Public) - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

SECTION 32 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- 32.1 General Requirements: No permanent structure may be constructed or otherwise located within the city limits prior to issuance of a Building Permit by the Building Inspector. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a certificate of occupancy by the Building Inspector. No change in the existing conforming use of a permanent structure or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector.
- 32.2 Procedure for New or Altered Buildings: Plans for any permanent structure to be constructed or otherwise located within the city limits must be approved by the Building Inspector who, upon approval, shall issue a Building Permit. A complete application for a building permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the Standard or Uniform Building Code. Upon submission of a complete application, the Building Inspector shall issue a Building Permit. After issuance of a Building Permit and prior to issuance of a Certificate of Occupancy, the Building Inspector shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the Building Inspector shall issue a Certificate of Occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

32.3 Procedure for Vacant Land or a Change in Use: Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefor shall be issued within ten (10) days after the application for same has been made.

32.4 Contents of Certificate of Occupancy: Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

32.5 Temporary Certificate: Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall not be construed to alter the respective rights, duties, or obligations of the owner or of the City relating to the use occupancy of the premises or any other matter covered by this ordinance.

32.6 Certificates for Non-conforming Uses: A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, but failure to apply for such Certificate of Occupancy for a non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

SECTION 33 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

33.1 Declaration of Policy: The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map.
- B. To recognize changed or changing conditions or circumstances in a particular locality.

technology, style of living, or manner of doing business.

33.2 Authority to Amend Ordinance: The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the City Council, or may be requested by the owner of affected real property or the authorized representative of an owner of affected real property.

33.3 Public Hearing and Notice: Prior to making a decision, the City Council shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district classification or boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance and on proposed changes in district classification or boundaries shall be published not less than fifteen (15) days prior thereto in the official newspaper of the City.

33.4 Council Consideration: The City Council, after the public hearing is closed, may defer consideration until after its evaluation of the request and the relationship of the request on the Comprehensive Plan for a period not exceeding ninety (90) days. This allows the City Council an opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the City Council shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

E. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.

F. Any other factors which will substantially affect the public health, safety, morals or general welfare.

33.5 Council Action on Proposed Changes:

A. Thirty Day Notice Requirement: No change in zoning classification shall be granted until after the 30th day following the notice to property owners required in Section 32.3.

B. Effective Date of Ordinance: No ordinance change shall become effective until after the adoption of the ordinance and its publication as required by law.

C. Proposal Recommended for Denial: When the City Council determines that a proposal should be denied, it shall so report and notify the applicant. A request which has been denied by the City Council may be resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request). The City Council may specifically deny any request with prejudice. If a request has been specifically denied with prejudice, the request may not be resubmitted to the City for a period less than one hundred twenty (120) days from the original date of denial.

D. Three-Fourths Vote: A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received which comply with the provisions of Article 1011e, Revised Civil Statutes of Texas. If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of (a) the area of the lots or land included in such a proposed change or (b) the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom (measured without regard to city streets or other public right of way), such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.

33.6 Final Approval and Ordinance Adoption: If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

33.7 Changes in Zoning Regulations: Amendments to the zoning ordinance not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

SECTION 34 ILLEGAL AND NONCONFORMING USES

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

SECTION 35 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined the sum of two thousand dollars (\$2,000.00) per day; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 36 VALIDITY, SEVERENCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the City of Angus the terms of this ordinance shall control.

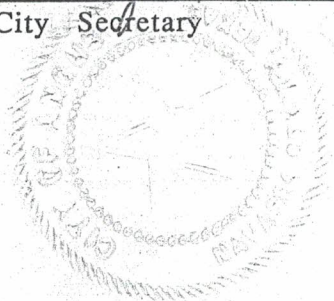
PASSED AND APPROVED on this the 11 day of April, 1989.

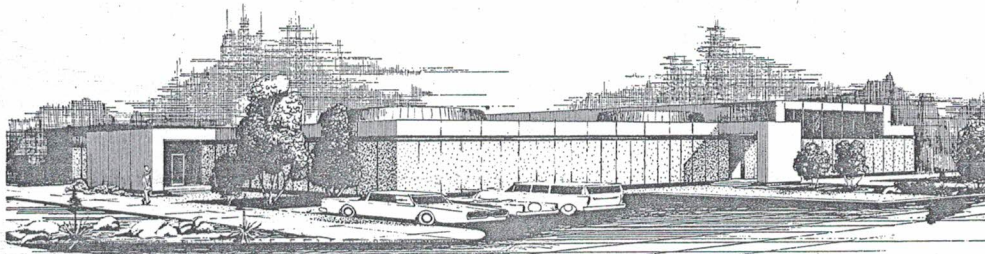
ATTEST:

SIGNED:

Betty M. Cain
City Secretary

Tom Besting
Mayor





Corsicana Daily Sun

Ph. 214 872-3931
CORSICANA, TEXAS 75110

P. O. BOX 622
Ph. 214 872-3931
CORSICANA, TEXAS 75110

THE STATE OF TEXAS
COUNTY OF NAVARRO

BEFORE ME, the undersigned authority, on this day personally appeared WILSON GRIFFIN, who being duly sworn, says he is the PUBLISHER of the Corsicana Sun, Inc., publisher of the CORSICANA DAILY SUN, a daily newspaper published at Corsicana in said county and state and that the notice, a copy of which is hereto attached was published in said newspaper on the following date(s):

FEBRUARY 27, 1989

CITY OF ANGUS
PUBLIC HEARING ON REZONING

Wilson Griffin

SUBSCRIBED AND SWORN TO BEFORE ME, this the 7TH day
of MARCH, 1989.

Linda E. Herring
Notary Public in and for
NAVARRO COUNTY, TEXAS

NOTICE TO BIDDERS
 Separate sealed bids for the PURCHASE OF RED DOG CINDER FOR FULLERTON-GARITTY PARK for the City of Corsicana will be received by the City Manager at the Office of the City Manager until 10:30 a.m., MONDAY, MARCH 13, 1989, at which time all bids will be opened and read aloud. Bid envelopes should be marked RED DOG CINDER FULLERTON-GARITTY PARK. Instructions to Bidders, Proposal Forms and Specifications may be obtained from the Director of Parks and Recreation for the City of Corsicana, Room 103, 200 North 12th Street, Corsicana, Texas 75110.

The City of Corsicana may reject any or all of the bids on any basis and without disclosure of a reason. The failure to make such a disclosure shall not result in accrual of any right, claim, or cause of action by any unsuccessful bidder against the City of Corsicana. No bidder may withdraw his bid within 30 days after the actual date of the opening thereof.
 Craig Lonon
 City Manager

PUBLIC HEARING ON REZONING CITY OF ANGUS, TEXAS

The City Council of the City of Angus, Texas will hold a public hearing on March 14, 1989 at 7:00 p.m. at the Angus City Hall. The purpose of the hearing will be to consider comments on proposed new zoning ordinance and zoning district map. The City Council of the City of Angus is contemplating the adoption of a new zoning ordinance and zoning district map to replace the current zoning regulations now used. A copy of the proposed zoning ordinance and zoning district map is available at Angus City Hall during regular city hall hours.

Written and oral comments on the proposed zoning ordinance and zoning district map will be accepted until and during the scheduled public hearing. Citizens wishing to make comments before the City Council will be given the opportunity to comment during the public hearing. Written comments received prior to the hearing will be read into the record.
 Tom Keating, Mayor
 City of Angus, Texas

Request for Bids on Texas Highway Construction

Sealed proposals for constructing .000 miles of traffic signals in Corsicana on Loop 564 (Business Loop 45 at 1st and 5th Avenues and at SH 31), on SH 31 at Beaton Street, 12th Street and SH 22, on SH 31 at 20th, 24th, 31st and 45th Streets and on SH 22 at 24th, 15th and 5th Streets covered by CPM 92-13-9, CPM 121-5-30, CPM 162-4-36 and CPM 121-5-29 in Navarro County, will be received at the State Department of Highways and Public Transportation, Austin, until 1:00 p.m., March 8, 1989, and then publicly opened and read.

REPAIRED...For Life
 The best car repair guarantee in America
 If you ever have your Lincoln Mercury fixed, you pay only once; if the covered part has to be fixed again ... the repairing dealer will fix it free for as long as you own your car.



LIFETIME SERVICE GUARANTEE

WE FIX CARS FOR KEEPS.

Johnny Sirman Auto
 Company Inc.

611 S. 7th St. • Corsicana
 214-874-3718

Select Your Next Car From
 7 Chrysler Special Purchase Vehicles

★ No Money Down*
 ★ Up To 60 Months To Pay
 ★ Interest As Low As 9.9%

\$16896 Month

7 Plymouth Sundances



All units priced the same \$7938. Customer pays TT&L of \$575.58 in cash or trade and balance of \$7938 financed for 60 mos. at 9.9% APR with approved credit.

You Really Can Afford A Car Or Truck At:

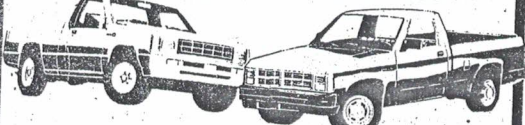
Johnny Sirman
 Chrysler • Plymouth • Dodge
 214-874-6548 • 1601 S. 7th St. • Corsicana

Take Your Pick From
 5 New 1989 Dodge Trucks

★ No Money Down*
 ★ Up To 60 Months To Pay
 ★ Interest As Low As 7.7%

\$19886 Month

2 Ram 50 3 Dakotas



All units priced the same \$9159. Customer pays TT&L of \$637.60

CADILLAC COUPE
 DEVILLE Loaded. Runs good. \$650. 872-3406 evenings.

1977 International Scout II, 4x4, automatic, ps, air, tilt. Am/fm cassette, 6 cylinder diesel. 874-6803/872-7531.

1980 Plymouth Volare, 4 door, sedan, 6 cylinder. Automatic, runs good. \$975.
 Tire changing machine same as Coates 40/40, needs some repair. \$600. 872-1949.

1981 Ford Futura Station Wagon, \$1,250. 874-5954/after 5pm.

1981 Pontiac Phoenix Ps, pb, ac, cruise, am/fm cassette. \$2650. Days 874-5341, nights 872-4309.

1982 Pontiac 6000 LE All the extras. Am-fm cassette w/equalizer, \$2950. 872-6032.

1982 Trans Am with t-tops Power everything. \$3500. 874-8347.

CHEAP TRANSPORTATION 1979 Mercury Grand Marquis. 874-3710 Dan.

1983 HONDA PRELUDE Sporty 2-door, sun-roof, 5-speed. 52K. \$5200. 872-5740 after 5:30pm.

1984 Audi 2000S, 4dr, sun roof, 5spd, loaded. \$5,500. 214-875-2542/after 6pm.

1984 Lincoln Mark VII One of a kind. Must drive. 874-3710 Dan.

1984 Pontiac Firebird V-8, t-tops, velour interior, tinted windows. After 5, 872-1057.

1986 Mercury Grand Marquis Tan/tan cloth. Nice car. 42K. \$9450. 874-3719 Bill.

1988 Lincoln Town Cars Choose from 4. Low miles. Leather. 874-3719 Bill.

1988 Mercury Sable Station Wagon. Loaded, like new. 14K. 874-3710 Dan.

'88 Ford Taurus Loaded and only 12,000 miles. Call Dan 874-3710.

Cadillac Fleetwood 1985. Last of GM's big cars. Champaign color. Dan 874-3718.

Aid
 Batteries, Repairs
 Tuesdays 9-4
 Owner
 Ave. Ph: 874-3131
 Bldg. Corsicana

167 RV's & Campers



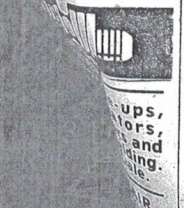
1976 Dage RV large cab over camper. L.W.B., regular bed size. Quilts for sale. 214-673-2863.

1979 Holiday Rambler Motor home. Excellent condition. 874-3555.

28' IMPALA TRAVEL TRAILER. Tandem axle, roof air. \$600 & take up payments \$102 month. Bank financed or \$2650. 874-9003/872-3206.

28' IMPALA TRAVEL TRAILER. Tandem axle, roof air. \$600 & take up payments \$102 month. Bank financed or \$2650. 874-9003/872-3206.

Auto Repair



Auto Repair

Corsicana Daily Sun

The Corsicana Daily Sun • P.O. Box 622 • Corsicana, Tx. 75110 • 214-872-3931

THE STATE OF TEXAS
COUNTY OF NAVARRO

BEFORE ME, the undersigned authority, on this day personally appeared WILSON GRIFFIN, who being duly sworn, says he is the PUBLISHER of the Corsicana Sun, Inc., publisher of the CORSICANA DAILY SUN, a daily newspaper published at Corsicana in said county and state and that the notice, a copy of which is hereto attached was published in said newspaper on the following date(s):

APRIL 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 1989

CITY OF ANGUS
ORDINANCE 63

Wilson Griffin

SUBSCRIBED AND SWORN TO BEFORE ME, this the 10TH day
of MAY, 1989.

Linda G. Herring
Notary Public in and for
NAVARRO COUNTY, TEXAS



SPECIALIZED SERVICES

Services EVERYDAY!

Boats & Accessories



17' bass boat Fully equipped. \$3000. 872-3184.

RV's & Campers



Gooseneck Travel self-contained. \$2,000. Excellent condition. 872-3184.

MOTORHOME actual miles. Fully loaded. Excellent condition. 872-3184.

Auto Parts & Accessories



Under Chevy Engine. Still in car here. \$1000. Delivered in 48 hours. 872-6923 before 5:30.

Wheel base pickup for Chevrolet. 872-6923 before 5:30.



PARTS

Parts placed by ship same day direct to you, Bus or Mail.

Visa/MC
 Express Ford
 872-563-1471

173 Trucks, Vans & 4x4's



1986 GMC 1/2T; 1975 3/4T with heavy duty metal bed. 817-578-1466.

LIKE NEW 1988 Ford F150 Supercab. Loaded to the max. 19K. 874-3718.

Like new 1988 Ford F-150 XLT Lariat. Red/white. All the goodies. 874-3718.

175 Automobiles



1955 Chevy, 2 door hardtop, 265, automatic. \$6,000 firm. 872-2360/after 5:00pm.

1979 Jeep Golden Eagle Waggoner. Soon to be a collectors item. Tinted glass, ac, good tires, new motor. A good deal \$4,000. 214-778-2918/after 5pm.

1980 OLDS. \$1800. After 5pm, Tony, 326-4534.

1982 Olds 88 Royal Brougham Local car. Priced to sell. 874-3718.

1984 Audi 5000 Perfect condition. Sunroof, leather, fully loaded. 872-4238.

1985 Toyota Camry Tilt, cruise, stereo. Automatic, ps/pb, ac, new tires. 39,000 miles. White with blue cloth interior. \$7,500 or obo. 872-6923. 872-3225.

Must Sacrifice, make offer. 1986 Cadillac Sedan Deville Perfect condition. Loaded. 874-7056.

1986 Ford T-Bird 47K. Nice, sporty car. 874-3718.

1986 Mercury Grand Marquis Tan/tan cloth. Nice car. 42K. 874-3719.

1987 Toyota Corolla 27K, power windows/locks, cruise. Nice car. 874-3718.

183 Personals



ADOPTION
 We'd love to share our hearts and home with newborn. Will offer love, happiness and security. Expenses paid. Legal. Call collect 516-931-4099.

ADOPTION
 You and your baby are special to us. We are a professional couple married 8 years. Let us provide your newborn a loving, secure future in our suburban home with summers at the shore. Expenses paid. Call collect. 914-747-4112.

201 Legals



LEGAL NOTICE
 The following ordinance was passed and approved on the 11th day of April 1989 by the commission of the City of Angus and is available in the city secretary office at the Angus city Government Center.

ORDINANCE NO. 63
 An ordinance of the City of Angus, Texas adopting zoning fees and charges; repealing conflicting ordinances and code provisions; providing for severability; and establishing an effective date. Betty McCain, City Secretary.

PUBLIC NOTICE+ CITY OF RETREAT
 An election will be held on Saturday, May 6, 1989 from 7:00 A.M. to 7:00 P.M. in the Retreat City Hall for the purpose of electing a Mayor and two (2) City Aldermen.

197 Schools/ Institutions



201 Legals



LEGAL NOTICE
 The following ordinance was passed and approved on the 11th day of April 1989 by the commission of the city of Angus and is available in the City Secretary office at the Angus City Government Center.

ORDINANCE NO. 62
 An ordinance of the City of Angus, Texas, adopting a comprehensive zoning ordinance and zoning map and dividing the city into several zoning districts; establishing and providing zoning regulations for each district such as regulating the use of land, buildings and structures; regulating the height, size and locations of buildings; establishing density, open space, screening and minimum off-street parking requirements; regulating the erection, repair and alteration of all buildings and structures; recognizing nonconforming uses and structures and providing rules for the regulation thereof; providing for certificates of occupancy and compliance; providing for the enforcement and administration of this ordinance; defining certain terms; providing a method of amendment; providing a penalty, not to exceed two thousand dollars (\$2000) for each violation of this ordinance and for injunctive relief to persons affected by the violation of said ordinance; repealing conflicting ordinances and providing for the severability of each part of this ordinance; and providing for an effective date. Betty McCain, City Secretary.

197 Schools/ Institutions



GOOD MONEY STARTS WITH A GOOD CAREER

TRAIN LOCALLY