ORDINANCE # 99-5
AMENDMENT TO ZONING ORDINANCE

AMENDS # 50

ORDINANCE 99-5

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, AMENDING SECTION 5 OF ORDINANCE NO. 50, THE DANBURY ZONING ORDINANCE CONCERNING "C" COMMERCIAL DISTRICTS PROVIDING FOR ALLOWED USES; PROVIDING FOR SPECIAL EXCEPTIONS; PROHIBITING CERTAIN USES; PROVIDING AREA REGULATIONS; CONTAINING FINDINGS OF FACT; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE; AND EFFECTIVE DATE.

Whereas the City Council of the City of Danbury, Texas finds that this ordinance promotes the public health, safety, and welfare; and

Whereas this ordinance is authorized by Chapter 211 of the Texas Local Government Code, among other law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DULY ASSEMBLED:

PART ONE: Section 5 of Ordinance No. 50, the Danbury Zoning Ordinance, is hereby amended to read as follows:

Section 5: "C" Commercial Districts.

(a) Use regulations.

(1) In a "C" Commercial District, no buildings or land shall be used and no building shall be erected, altered, or converted for any use or purpose other than following:

Any use permitted in "A" Residence Districts or "B" Restricted Commercial and Residence Districts.

Abstract or Title company
Accountant
Advertising Agency
Air conditioning and heating shop
Ambulance service
Animal feed store
Animal grooming of small and large animals
Antique store
Appraiser

Architect
Art gallery
Arts and craft store
Auto repair garage
Automatic laundry
Automobile dealerships
Automobile parking lots
Automobile parts store
Automobile, truck and bus service and repairs
Baggage, transfer, storage and warehouse
Bakery, employing no more than (5) persons
Bank
Barber and beauty shop
Boat sales and repairs of boats twenty-five (25) feet or less in length
Bookkeeper
Bookstore
Bottling works
Building materials sales
Bus station
Cabinet maker
Cafeteria
Candy store
Carpenter shop
Carpet cleaning if dust-proofed rooms and dust-catching, washing, and scouring equipment is provided
Carpet, tile, and flooring sales, but not manufacturing
Car wash, but not an industrial truck wash
Catering
Child care center
Clinic for treatment of humans
Clothes store
Cold storage plant
Collection agency
Commercial amusement park
Commercial billboard or advertising signs not to exceed thirty-two (32) sq. ft. in area per sign
Computer store and repairs
Creamery
Credit counselor
Dance studio
Delivery service
Dental clinic
Department store
Doctor
Drafting service

Drive-in eating and drinking establishments
Drug store
Dyeing establishment
Employment agency
Engineer
Engraving plant
Filling station, without storage of wrecked cars
Financial consultant
Flea market, maximum one acre including parking
Florist shop
Freight station, but no a railroad freight station
Furniture shop
Gift shop
Gun shop
Grocery store
Hardware store
Home appliance store
Ice cream factory
Ice retail distributing, but not manufacturing
Insurance agency
Jewelry store
Laundry or dry cleaning storefront, but not the dry cleaning plant
Lawyer
Locksmith
Meat processing and curing facility
Medical supply store
Milk depot
Monument works
Mortgage company
Mortuary
Motels and tourist courts
Motion picture theater, but not drive-in theater
Musical instrument store
Notary public
Office supply and machinery store and repairs
Optician or optometrist
Paint store
Passenger station, but not a railroad passenger station
Pet grooming
Pet store
Plant nursery
Printing plant
Pasteurizing plant
Radio repair and sales
Radio studio (excluding tower)

Real estate agent
Record and tape store
Restaurant or tavern
Shoe store and repair shop
Sporting goods store
Stockbroker
Stone monument works, retail only
Storage warehouse
Studio (art, music, or photo)
Taxicab storage and repair
Taxidermist
Tailor
Tanning Salon
Telecommunication company equipment or facility
Toy store
Travel agency
Video arcade
Warehouse, but not for storage of any item listed in Section 6, "D" Industrial District, or Section 7, "E" Heavy Industrial District, or any item that is potentially explosive, hazardous materials, or any item that is noxious or by reason of emission of odors, soot, dust, smell, gas, flumes, vibrations, or noise which can be noted on the adjoining land of another person
Washateria
Wholesale office
Accessory buildings and uses customarily incident to any permitted use, when located upon the same lot and when not noxious or offensive by reason of the emission of smoke, dust, odor, fumes, noise, or gas, and when not otherwise prohibited in a "C" zone.

(2) Special Exceptions. Any other commercial or manufacturing use may be allowed, but only if the City Council exercises its discretion to grant a special exception for use; provided, however, that no mechanical units in excess of ten horsepower shall be used on the premises.

(3) Prohibited Uses. However, regardless of any other provision, no special exception shall be available for the following uses and such uses are hereby prohibited in "C" zones: (1) Any use that is listed in Section 6, "D" Industrial Districts, or Section 7, "E" Heavy Industrial Districts; and (2) any use that is noxious or offensive by reason of emission of odors, soot, dust, smell, gas, fumes, vibrations, or noise which can be noted on the adjoining land of another person.

(b) Area regulations. For property occupied for residential use in a "C" Commercial District, the area regulations for setback, rear yard, side yard requirements and all other area regulations, shall be the same as provided for in paragraph (b) of Section 3 of this ordinance.

(c) Nothing contained in this section shall prevent the use of the entire lot for uses, other than residential, which are permitted in this section.

(d) The City Council finds and ordains that railroad freight yards and passenger yards are prohibited in a "C" zone, because in comparison to other freight yards and passenger yards, railroad freight yards and passenger yards, generates more noise, congestion, and obstruction of traffic, to the detriment of the public health, safety, and welfare.

PART TWO. All other ordinances and parts of ordinances of the City of Danbury shall remain in full force and effect.

PART THREE. If any portion, of whatever size, of this ordinance is ever held to be invalid for any reason, then the remainder of this ordinance shall remain in full force and effect.

PART FOUR. The City Council finds that the public health, safety, and welfare require the passage of this ordinance upon the first reading. This ordinance shall take effect as of the date of its passage and adoption.

PASSED AND ADOPTED this 22nd day of July, 1999.

CITY OF DANBURY, TEXAS

BY: Kenneth Walters Jr.
KENNETH W. WALTERS, JR., Mayor

ATTEST:

Donna Thomson
DONNA THOMSON, City Secretary