

**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 not 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 22<sup>nd</sup> day of July, 1999.

CITY OF DANBURY, TEXAS

BY:

  
KENNETH W. WALTERS, JR., Mayor

ATTEST:

  
DONNA THOMSON, City Secretary