

Z O N I N G O R D I N A N C E No. 742-1

C I T Y O F D I L L E Y , T E X A S

AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DIVIDING THE CITY OF DILLEY INTO DISTRICTS, AND REGULATING AND RESTRICTING THE HEIGHT OF BUILDINGS, THE SIZE OF BUILDINGS, YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND ADOPTING A ZONING MAP SHOWING THE LOCATION AND BOUNDARIES OF THE VARIOUS DISTRICTS AND USE AREAS; PROVIDING FOR EXCEPTIONS, METHODS OF ENFORCEMENT, INTERPRETATION OF THE ORDINANCE AND ZONING MAP; A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; PROVIDING FOR CHANGES AND AMENDMENTS, DEFINING THE TERMS AND WORDS USED IN THE ORDINANCE; AND PROVIDING FOR A BOARD OF ADJUSTMENT, PENALTIES FOR VIOLATION, A VALIDITY CLAUSE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DILLEY, TEXAS:

ARTICLE 1. INTERPRETATION AND PURPOSES. The Zoning regulations and districts, as herein established, have been made in accordance with a plan for the purpose of promoting health, safety, morals, and the general welfare of the City of Dilley. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent the over crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and for its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and encouraging the most appropriate use of the land throughout the City of Dilley.

ARTICLE 2. ZONING DISTRICTS AND MAP. Zoning regulations and districts, as herein set forth, are approved and established. The City of Dilley is hereby divided into classes of Use Districts termed respectively as follows:

- A. Single Family Residence District
- B. Single Family Residence District
- C. Single Family Residence District
- D. Two Family Residence District
- E. Apartment (Multiple Family Residence) District
- F. Neighborhood Shopping Center
- G. Retail Business District
- H. Commercial Business District
- I. Light Industrial District
- J. Industrial District

All are shown upon the Zoning Map, which is adopted with and is declared to be a part of this Ordinance, and should be considered as much a part of the same as if the matters of information, set forth thereby, were all fully contained and described herein. Said map shall, on its face, be identified and verified in the manner following: It shall bear the title "ZONING MAP OF THE CITY OF DILLEY, TEXAS"; it shall bear even date with the passing of this Ordinance; it shall bear the names of the City Council, and it shall be attested by the signatures of the Major and City Clerk. The Original of said map shall be kept in a proper office in the City Hall; and a replica thereof, shall be produced upon paper in such reduced scale as will permit of such replica copy being pasted upon, and attached to, a page of the Ordinance records immediately following transcription therein of this Ordinance.

No land shall be used for, and no building shall be erected for, or converted to, any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

ARTICLE 3. Class A. SINGLE FAMILY RESIDENCE DISTRICT.

SECTION 1. USE REGULATION. Buildings, or land in any portion of the city, may be used for any of the used listed under this classification; but in an "A" district, no building or land shall be used, and no building or structure shall be hereafter erected, or structurally altered, which is arranged or designed to be used for other than one or more of the following purposes:

- (1) One-family dwelling.
- (2) School, park, library, church or playground, provided that, before the location of building or improvement site is approved by the Planning and Zoning Commission, the owners of 66 per cent of the area of all lots within 300 feet

of any boundary of the building site, must file, with the City Secretary, an agreement, in writing, to such location; duly signed and acknowledged by said owners; and further provided that the building site is of sufficient area and proper size to include adequate off-street parking facilities to accommodate one motor car parking space for every five (5) seats of the proposed building or improvement.

- (3) Accessory building: Including a private garage and servant's quarters, when located not less than eighty (80) feet from the front line, nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line.
- (4) Incidental uses: Uses, customarily incident to any of the following uses, when situated in the same dwelling and not involving the conduct of a business, including customary home occupations, when engaged in by the occupants of the dwelling; such as dress-making; the office of a physician; surgeon; a dentist; musician or artist, when used as his or her private dwelling. Said incidental use, however, shall never be permitted as principal use, but only as a secondary use, when indispensably necessary to the enjoyment of the premises for any of the uses permitted by this section and actually made of the premises, but not otherwise.
- (5) Signs: No window displays, no name plate, exceeding one (1) square foot in area; no temporary bulletin board or sign board, exceeding twelve (12) square feet in area appertaining to the lease, hire, or sale, or construction of a building or premises; no display advertising sign, ground or elevated; nor advertising sign of any other character shall be permitted in any "A" District, except churches, whose signs shall not exceed eighteen (18) square feet in area and be located in front yard behind the building line.
- (6) Temporary buildings; when they are to be used only for construction purposes or field office for the sale of the real estate of the immediate addition; such temporary construction buildings must be removed immediately upon completion or abandonment of construction, and the field office must be removed immediately upon request of the city inspector.

SECTION 2. HEIGHT REGULATION. No building shall exceed forty-five (45) feet, or two and one-half (2 1/2) stories.

SECTION 3. AREA REGULATIONS.

(1) Front yard:

✓ (a) There shall be a front yard having depth of not less than twenty (20) feet from the property line to the front of the building, covered porch, covered terrace or attached accessory building.

If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of a street, this line shall establish the minimum depth of the front yard.

(b) If lots have a double frontage running through from one street to another, the requirement of front yard shall apply on both streets.

(2) Side yard:

✓ (a) There shall be a side yard on each side of the lot, and the minimum width of such side yard shall be five (5) feet on each side, except that the side yard, adjacent to a side street, shall not be less than fifteen (15) feet wide.

(3) Rear yard:

(a) There shall be a rear yard having a depth of not less than twenty (20) per cent of the average depth of the lot.

(4) Area of lot:

(a) All lots on original plat of the City shall remain the size shown, but on all other lots the minimum building plot area shall contain fifteen thousand (15,000) square feet, however, a lot having an area less than hereinabove required and that was on an approved plot and recorded prior to approval of this Ordinance may be used for any use permitted in this section.

(5) Width of lot:

✓ (a) The minimum width of a building plot on lots on original plat of City shall be 100 feet.

(6) Depth of lot:

- (a) The minimum depth of lot shall be 150 feet in original City plat and as set out, or may be set out, by the City Planning and Zoning Commission of the City of Dilley for any other area in which the lot is located.

(7) Parking space:

- (a) Parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit. A driveway may be used as a parking space.

- (8) Any house constructed under this classification shall contain a minimum of 1,500 square feet exclusive of porches and garages.

- (9) Houses in this classification may not have exterior siding of tar paper or artificial brick siding.

ARTICLE 4. CLASS B. SINGLE FAMILY RESIDENCE DISTRICT.

SECTION 1. USE REGULATION. Buildings or land, in any portion of the city, may be used for any of the uses listed under this classification; but in a "B" District, no building, or land, shall be used, and no building, or structure, shall be hereinafter erected, or structurally altered, which is arranged, or designed, to be used for other than one or more of the following uses:

- (1) One-family dwelling.
- (2) School, park, library, church or playground.
- (3) Accessory buildings: No accessory buildings shall be less than sixty (60) feet from the front line nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line.
- (4) Incidental uses: Uses, customarily incident to any of the following uses, when situated in the same dwelling and not involving the conduct of a business, including customary home occupations, when engaged in by the occupants of the dwelling; such as dressmaker, the office of a physician, surgeon, a dentist, musician or artist, when used as his or her own dwelling. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises for any of the uses permitted by this section and actually made of the premises, but not otherwise.

(5) Signs: No window displays, no name plate, exceeding one (1) square foot in area, no temporary bulletin board or sign board, exceeding twelve (12) square feet in area appertaining to the lease, hire, or sale, or construction of a building or premises; no display advertising sign, ground or elevated; nor advertising sign of any other character shall be permitted in any "B" District, except churches, whose signs shall not exceed eighteen (18) square feet in area and be located in front yard behind the building line.

(6) Temporary buildings; when they are to be used only for construction purposes or field office for sale of the real estate of the immediate addition; such temporary construction buildings must be removed immediately upon completion, or abandonment of construction, and the field office must be removed immediately upon request of the city inspector.

SECTION 2. HEIGHT REGULATION. No building shall exceed forty-five (45) feet or two and one-half (2 1/2) stories.

SECTION 3. AREA REGULATIONS.

(1) Front yard:

(a) There shall be a front yard having a depth of not less than twenty (20) feet from the property line to the front of the building, covered porch, covered terrace or attached accessory building.

If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of a street, this line shall establish the minimum depth of the front yard.

(b) If lots have a double frontage running through from one street to another, the requirement of front yard shall apply on both streets.

(2) Side yard:

(a) There shall be a side yard on each side of the lot, and the minimum width of such side yard shall be five (5) feet on each side, except that the side yard adjacent to a side street shall not be less than fifteen (15) feet wide.

(3) Rear yard:

(a) There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot.

(4) Area of lot:

(a) All lots on original plat of the City shall remain the size shown, but on all other lots the minimum building plot area shall be fifteen thousand (15,000) square feet.

(5) Width of lot:

(a) The minimum width of a building plot on original City map shall remain size shown thereon, but on all other lots it shall be 100 feet.

(6) Depth of lot:

(a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning and Zoning Commission of the City of Dilley for an area in which the lot is located.

(7) Parking space:

(a) Parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit. A driveway may be used as a parking space.

(8) Any house constructed under this classification shall contain a minimum of 900 square feet, exclusive of porches and garages.

(9) Houses in this classification may not have exterior siding of tar paper or artificial brick siding.

ARTICLE 5. CLASS C. SINGLE FAMILY RESIDENCE. When such an area is designated in the future shall be as follows:

SECTION 1. USE REGULATION. Buildings, or land, in any portion of the city, may be used for any of the uses listed under this classification, but in a "C" District, no building, or land, shall be used, and no building, or structure, shall be hereafter erected, or structurally altered which is arranged, or designed to be used, for other than one or more of the following uses:

(1) One family dwelling.

(2) School, park, church or playground; library.

(3) Accessory buildings: No accessory building shall be less than fifty (50) feet from the front line, no less than five (5) feet from any other street line, nor less than three (3) feet from either side line.

(4) Incidental uses: Uses, customarily incident to any of the following uses, when situated in the same dwelling and not involving the conduct of a business, including customary home occupations, when engaged in by the occupants of the dwelling; such as dressmaker, the office of a physician, surgeon, dentist, musician, or artist, when used as his or her private dwelling. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use, when indispensably necessary to the enjoyment of the premises for any of the uses permitted by this section and actually made of the premises, but not otherwise.

- (5) Signs: No window displays, no name plate, exceeding one (1) square foot in area, no temporary bulletin board or sign board, exceeding twelve (12) square feet in area appertaining to the lease, hire, sale, or construction of a building or premises; no display advertising sign, ground or elevated; nor advertising sign of any other character shall be permitted in any "C" District, except churches, whose signs shall not exceed eighteen (18) square feet in area and be located in front yard behind the building line.
- (6) Temporary buildings: Temporary buildings may be used only for construction purposes or field office for the sale of real estate of the immediate addition; such temporary construction buildings must be removed immediately upon completion or abandonment of construction, and the field office must be removed immediately upon request of the city inspector.

SECTION 2. HEIGHT REGULATION. No building shall exceed thirty-five (35) feet or two (2) stories.

SECTION 3. AREA REGULATIONS.

- (1) Front yard:
 - (a) There shall be a front yard having a depth of not less than twenty (20) feet from the property line to the front of the building, covered porch, covered terrace or attached masonry building.
 - (b) If lots have a double frontage running through from one street to another, the requirement of front yard shall apply on both streets.
- (2) Side yard:
 - (a) There shall be a side yard on each side of the lot, and the minimum width of such side yard shall be five (5) feet on each side, except that the side yard adjacent to a side street shall not be less than ten (10) feet wide.
- (3) Rear yard:
 - (a) There shall be a rear yard having a depth of not less than twenty (20) feet.
- (4) Area of lot:
 - (a) The minimum building plot area shall be seven thousand five hundred (7,500) square feet.
- (5) Width of lot:
 - (a) The minimum width of a building plot shall be fifty (50) feet.

(6) Depth of lot:

- (a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning and Zoning Commission of the City of Dilley for an area in which the lot is located.

(7) Parking space:

- (a) Parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit. A driveway may be used as a parking space.

(8) Any house constructed under this classification shall contain a minimum of 600 square feet, exclusive of porches and garages.

(9) Houses in this classification may not have exterior siding of tar paper or artificial brick siding.

ARTICLE 6. CLASS D. TWO FAMILY RESIDENCE. When such area is designated in the future shall be as follows:

SECTION 1. USE REGULATION. In a Class "D", Two Family Residence District, no building, structure, or premise, shall be used and no building, or structure, shall be erected, altered, or enlarged, which is intended or designated to be used, in whole or in part, for any other than one or more of the following specified uses:

- (1) Any use permitted in Class "A", "B", and "C", Single Family Residential Districts; subject to applicable regulations.
- (2) Two family residence.
- (3) Child nursery, kindergarten, museum.
- (4) Accessory building: Including a private garage and servant's quarters, when located not less than eighty (80) feet from the front line, nor less than ten (10) feet from any other line, nor less than five (5) feet from either side line.
- (5) Incidental uses: Uses, customarily incident to any of the following uses, when situated in the same dwelling and not involving the conduct of a business, including customary home occupations, when engaged in by the occupants of the dwellings; such as dressmaker, the office of a physician, surgeon, dentist, musician, or artist, when used as his or her private dwelling. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use, when indispensably necessary to the enjoyment of the premises for any of the uses permitted by this section and actually made of the premises, but not otherwise.

- (6) Signs: No window displays, no name plate, exceeding one (1) square foot in area, no temporary bulletin board or sign board, exceeding twelve (12) square feet in area appertaining to the lease, hire, sale or construction of a building or premises; no display advertising sign, ground or elevated; nor advertising sign of any other character shall be permitted in any "D" District, except churches, whose signs shall not exceed eighteen (18) square feet in area and be located in front yard behind the building line.
- (7) Temporary buildings: Temporary buildings may be used only for construction purposes or field office for the sale of real estate of the immediate addition; such temporary construction buildings must be removed immediately upon completion or abandonment of construction, and the field office must be removed immediately upon request of the city inspector.

SECTION 2. HEIGHT REGULATION. No building shall exceed forty-five (45) feet, or two and one-half (2 1/2) stories in height.

SECTION 3. AREA REGULATIONS.

- (1) Front yard:
 - (a) There shall be a front yard having a minimum depth of twenty (20) feet; provided that, if a building line has been established by two or more buildings on one side of the street in one block, this line shall establish the depth of the front yard.
If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of a street this line shall establish the minimum depth of the front yard.
 - (b) Where lots have doubled frontage running from one street to the other, the required front yard shall be provided on both streets.
- (2) Side yard:
 - (a) There shall be a side yard on each side of the lot not less than five (5) feet, except that the side yard adjacent to a side street shall not be less than ten (10) feet in width.
- (3) Rear yard:
 - (a) There shall be a rear yard having a depth of not less than twenty (20) feet.

(4) Lot area:

- (a) All lots on original plat of the City shall remain in the size shown, but on all other lots the minimum area of the lot shall be fifteen thousand (15,000) square feet. ✓

(5) Width of the lot:

- (a) The minimum width of the lot on original plat of City shall remain size shown, but on all other lots it shall be one hundred (100) feet.

(6) Depth of lot:

- (a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning and Zoning Commission of the City of Dilley for an area in which the lot is located.

(7) Parking regulations:

- (a) Parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit. A driveway leading to the garage may be used for such purpose.

(8) Any house constructed under this classification shall contain a minimum of 1,200 square feet, exclusive of porches and garages.

(9) Houses in this classification may not have exterior siding of tar paper or artificial brick siding.

ARTICLE 7. CLASS E. APARTMENT (MULTIPLE FAMILY RESIDENCE) DISTRICT

SECTION 1. USE REGULATION. In a Class E, Apartment (Multiple Family Residence) District, no building, structure or premise shall be used and no building or structure shall be erected, altered, or enlarged, which is intended, or designated to be used, in whole or in part, for any other than one or more of the following specified uses:

- (1) Any use permitted in Class "D", Two Family Residence District, subject to applicable regulations.
- (2) Residences for more than one family, in form of separate buildings, apartments, duplexes, or garage apartments (not including tourist or trailer camps, courts or lodges).
- (3) Boarding or lodging houses.
- (4) Hospitals, and clinics, except tubercular and veterinary hospitals and clinics for alcoholic, narcotic, insane or feeble-minded patients.

- (5) Institutions of a philanthropic nature, other than penal or correctional institutions.
- (6) Private clubs, fraternities, sororities, lodges, excepting those whose chief activity is a service customarily carried on as a business.
- (7) Hotels, in which business may be conducted for the sole convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business except from the inside of the building.
- (8) Signs: No window displays, no name plates, exceeding one (1) square foot in area, no temporary bulletin board or sign board, exceeding twelve (12) square feet in area appertaining to the lease, hire, sale, or construction of a building or premises; no display advertising sign, ground or elevated; nor advertising sign of any other character shall be permitted in any "E" District, except for those uses permitted in this area and owned by the person or firm on whose property the business is located, and in which instance, the signs shall not exceed eighteen (18) square feet in area and be located in the front yard behind the building line.

SECTION 2. HEIGHT REGULATION. No building shall exceed three (3) stories in height.

SECTION 3. AREA REGULATIONS.

- (1) Front yard:
 - (a) There shall be a front yard having a minimum depth of twenty (20) feet; provided that, if a building line has been established by two or more buildings on one side of the street in one block, this line shall establish the depth of the front yard.
- (2) Side yard:
 - (a) There shall be a side yard on each side of the lot not less than five (5) feet, except that the side yard adjacent to a side street shall not be less than ten (10) feet in width.
- (3) Rear yard:
 - (a) There shall be a rear yard having a depth of not less than twenty (20) feet.
- (4) Lot area:
 - (a) All lots on original plat of the City shall remain the size shown, but on all other lots minimum area of the lot shall be fifteen thousand (15,000) square feet, however,

a minimum of three thousand (3,000) square feet of lot area shall be provided for each family unit per floor level.

(5) Width of lot:

(a) The minimum width of the lot on original plat shall be one hundred (100) feet.

(6) Depth of lot:

(a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning and Zoning Commission of the City of Dilley for an area in which the lot is located.

(7) Parking regulations:

(a) Parking space shall be provided on the lot to accommodate one (1) motor car for each dwelling unit. A driveway leading to the garages may be used for such purposes.

ARTICLE 8. CLASS F. NEIGHBORHOOD SHOPPING CENTER. When designated in the future shall be as follows:

SECTION 1. USE REGULATION. In a Class "F", Neighborhood Shopping Center, no building structure, or premise shall be used and no building, or structure, shall be erected, altered or enlarged, which is intended or designated to be used, in whole or in part, for any other than one or more of the following specified uses, provided that the permitted use shall not become noxious or offensive by reason of emission of odors, filth, soot, dust, gas fumes, or is unsightly, or cause the property to become unsightly, to wit:

(1) Any use permitted in foregoing dwelling districts.

Automobile parking lot

Bank

Barber shop and beauty parlor

Business and professional office

Delivery station

Drug store

Filling station

Florist, retail

Grocery store

Ice house

Library, rental

Laundry, automatic self service

Retail store

Retail cleaning and pressing
Meat market
Novelty store
Radio sales and service
Restaurant, without curb service
Studio
Television sales and service
Taxi stand
Theater

- (2) Signs: No window displays, no name plates, exceeding one (1) square foot in area, no temporary bulletin board or sign board, exceeding twelve (12) square feet in area appertaining to the lease, hire, sale, or construction of a building or premises; no display advertising sign, ground or elevated; nor advertising sign of any other character shall be permitted in any "F" District, except for those uses permitted in this area and owned by the person or firm on whose property the business is located, and in which instance, the signs shall not exceed eighteen (18) square feet in area and be located in the front yard behind the building line.

SECTION 2. HEIGHT REGULATION. No building, or structure, shall exceed thirty (30) feet or two stories in height.

SECTION 3. AREA REGULATIONS.

(1) Front yard:

- (a) There shall be a front yard having a minimum depth of not less than ten (10) feet, provided that, if a building line has been established by two or more buildings on the same side of the street in a block, such line shall establish the depth of the front yard.
- (b) Where lots have double frontage running from one street to the other, the required front yard shall be provided on both streets.

(2) Side yard:

- (a) No side shall be required on retail use, except that, on corner lots, a ten (10) foot side yard is required adjacent to a street.

(3) Rear yard:

- (a) No rear yard shall be required for retail use. Rear yards, for residential use, shall be as specified under residential district "A".

(4) Area of lot:

- (a) The minimum lot area shall be as prescribed for Class "A" for a single family, two family or multiple family use. For uses other than dwelling permitted in this area, there are no area restrictions.

(5) Width of the lot:

- (a) The minimum width of the lot shall be as prescribed in Class "A" for single, two or multiple family dwellings; for business uses permitted in this area, the lot width is unrestricted.

(6) Depth of lot:

- (a) The minimum depth of lot shall be set out, or may be set out, by the City Planning Commission of the City of Dilley for the district in which the lot is located, except for Class F, in which no depth requirements are imposed for commercial uses.

(7) Parking regulations:

- (a) One parking space shall be provided for each dwelling unit. Places of public assembly shall provide one off-street parking space for each fifteen (15) seats. Any business buildings shall provide off-street facilities for the loading and unloading of merchandise and goods within the building or adjacent to a public alley to facilitate movement of traffic on the streets.

SECTION 4. CONSTRUCTION REGULATIONS. Any building in this classification shall be of masonry or metal other than corrugated iron or tin.

ARTICLE 9. CLASS G. RETAIL BUSINESS DISTRICT.

SECTION 1. USE REGULATION. In the Class "G", Retail Business District, no building, structure, or premise shall be used and no building or structure shall be erected, altered or enlarged which is intended or designated to be used, in whole or in part, for any other than one or more of the following specified uses, provided that the permitted use shall not become noxious or offensive by reason of emission of odors, filth, soot, dust, gas fumes or is unsightly, or cause the property to become unsightly, to-wit:

- (1) Any use permitted in foregoing districts, subject to applicable regulations.

- (2) Antique shop
Aquarium
Auto and truck sales, service and repair
Bakeries
Bowling alley
Bus terminal
Cafe or restaurant, with or without drive-in or curb service
Commerical amusement
Commercial college
Exterminating company
Filling station
Film printing and developing
Florist
Furniture
Greenhouse or nursery
Health massage and reducing school
Hotel
Ice Delivery station
Mortuary
Parking lot
Printing office
Private club
Professional offices and clinics
Public garage, storage only
Recreation building, commercial
Seed company, sales only
Shoe repair shop
Skating rinks
Stores, retail
Studios
Taxi stands
Telephone exchange, including office and repair facilities
Theatre
Tourist or trailer camp, court or lodges ✓
Warehouse;

provided, however, that no bowling alley, recreation building (commercial) or skating rink shall not be less than three hundred (300) feet from any corner of the lot or plot of ground on which an existing clinic, hospital, church or school is located, nor shall any bowling alley, recreation building (commercial) and skating rink be less than three hundred (300) feet from any residential district unless approved by the Board of Adjustment and authorization and signed by the Mayor. No Special Condition Permit shall be approved, authorized or issued without due regard to the noise level incident to such uses and enjoyment of other properties within the limits of the City.

- (3) Accessory buildings and uses customarily incident to the above uses. No accessory use shall be construed to permit the keeping of articles, goods or merchandise in the open or exposed to public view. When necessary to store or keep such articles, materials, or merchandise in the open, the lot shall be fenced with tight fences, approved by the City of Dilley, not less than six (6) feet high or otherwise screened from view by shrubs or a hedge.
- (4) Signs: Any use permitted in previous districts will be permitted in Class "G" District, except that no non operator owned, outdoor display or advertising sign, ground or elevated, shall be permitted in this district.

SECTION 2. HEIGHT REGULATION. No building shall exceed seventy-five (75) feet in height unless set back from all street lines one foot for each two feet of its height beginning above seventy-five (75) feet to a maximum of ten (10) feet of setback.

SECTION 3. AREA REGULATIONS.

- (1) Front yard:
 - (a) Where the frontage on one side of the street for a block is located in the Retail Business District, no front yard shall be required; but, if part of same area is in a more restricted use district, then the more restricted district regulations shall apply.
- (2) Side yard:
 - (a) No side yard shall be required on commercial use. For a residential or apartment use, there shall be a side yard on all sides, five (5) feet wide.
- (3) Rear yard:
 - (a) No rear yard shall be required on commercial use. For residential or apartment use, there shall be a rear yard of at least twenty (20) feet depth.
- (4) Lot area:
 - (a) For exclusively residential or apartment use, the minimum lot area shall be as prescribed in Class "A". For uses other than dwelling, permitted in this district, there are no area restrictions.
- (5) Width of the lot:
 - (a) The minimum width of the lot, for residential or apartment use, shall be as prescribed in Class "A"; for commercial building use, there is no width restriction.
- (6) Depth of lot:
 - (a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning Commission of the City of Dilley for the district in which the lot is located, except for Class G, in which no depth requirements are imposed for commercial

uses.

(7) Parking regulations:

(a) One off-street parking space shall be provided for each dwelling unit. Business buildings shall provide off-street facilities for the loading and unloading of merchandise and goods, within the building or adjacent to a public alley, to facilitate movement of traffic on the streets.

(8) Notwithstanding previous provision herein, any residence built in this category shall comply with the requirements for Class "A" residences.

ARTICLE 10. CLASS H. ✓ COMMERCIAL BUSINESS DISTRICT.

SECTION 1. USE REGULATION. In a Class "H", Commercial Business District, no building, structure, or premises shall be used and no building or structure shall be erected, altered or enlarged which is intended or designated to be used, in whole or in part, for any other than one or more of the following specified uses:

- (1) Any uses permitted in a Class "G", Retail Business District, subject to all restrictions therein contained.
- (2) Advertising signs, commercial billboard
Artificial flower manufacturing
Awning manufacturing
Baggage, transfer and storage warehouse
Beer parlors
Book printing
Bottling works
Bowling alley
Cabinet maker
Candy manufacturing
Carpenter shop, furniture repair and upholstery
Carpet cleaning
Cement, brick and the warehouse and storage, including contractor's storage yards
Cleaning, dyeing and pressing -- wholesale
Cold storage locker plant, with no meat processing
Creamery -- wholesale
Dance hall
Driving range
Drug manufacturer -- wholesale or storage
Dyeing and cleaning works
Feed store -- wholesale
Furniture -- auction
Limb manufacture-- artificial

Locker service
Lumber yard
Machine shop
Market, public
Mattress manufacture and renovating
Milk depot -- wholesale
Miniature golf course
Monument works
Motor freight terminal
Night clubs
Office equipment and supply manufacture
Painting shop
Paper products
Printing shop
Public garage
Publishing company
Sand and gravel storage yards
Second hand furniture
Seed company -- wholesale
Sheet metal shop
Shooting gallery
Small animal hospital
Storage warehouse
Taxi storage and repair
Tire treading and recapping
Transfer company
Venetian blind manufacture
Vulcanizing shops
Water distilling
Warehouse
Wood working and other shops for custom work, or making articles to be sold on the place.

- (3) Manufacture of any kind, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, fumes or vibration; but excluding such uses as are set out in Light Industrial and Industrial District classifications.
- (4) Accessory buildings and uses customarily incident to the above uses. No accessory use shall be construed to permit the keeping of articles, goods, or merchandise in the open or exposed to public view. When necessary to store or keep such articles, materials, or merchandise in the open, the lot shall be fenced with tight fences, approved by the City of Dilley, not less than six (6) feet high or otherwise screened from view by shrubs or a hedge.

SECTION 2. HEIGHT REGULATION. No building shall exceed seventy-five (75) feet in height unless set back from all street lines one (1) foot for each two (2) feet of its height beginning about seventy-five (75) feet, to a maximum ten (10) feet of set back.

SECTION 3. AREA REGULATIONS.

(1) Front yard:

There shall be a front yard having minimum depth of not less than twenty (20) feet for residential use and providing where all the frontage on one (1) side of the street for a block is located in the Class "H", Commercial Business District, no front yard shall be required; but, if part of same area is in a more restricted use district, then the more restricted district regulations shall apply.

(2) Side yard:

(a) No side yard shall be required on commercial use. For residential or apartment use, there shall be a side yard on all sides, five (5) feet wide, except that a side yard adjacent to a side street shall not be less than ten (10) feet wide.

(3) Rear yard:

(a) No rear yard shall be required on commercial use. For residential or apartment use, there shall be a rear yard of at least twenty (20) feet depth.

(4) Lot area:

(a) For exclusively residential or apartment use, the minimum lot area shall be as prescribed in Class "A". For uses other than dwelling, permitted in this district, there are no area restrictions.

(5) Width of the lot:

(a) The minimum width of the lot for residential or apartment use shall be as prescribed in Class "A". For commercial building use, there is no width restriction.

(6) Depth of lot:

(a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning Commission of the City of Dilley for the district in which the lot is located, except for Class H, in which no depth requirements are imposed for commercial uses.

ARTICLE 11. CLASS I. LIGHT INDUSTRIAL DISTRICT. When designated in the future shall be as follows:

SECTION 1. USE REGULATION. In a Light Industrial District, no building, structure or premises shall be used and no building or structure shall be erected, altered or enlarged which is intended or designated to be used, in whole or in part, for any other than one or more of the following specified uses:

- (1) Any use permitted in a Class "H", Commercial Business District
- (2) Automobile laundry and painting
Billboards or advertising signs
Creamery
Bottling works
Blacksmith
Central mixing plant for cement, mortar, plaster and paving materials
Cold storage plants
Contractor's plant and storage
Electric station, light and power
Flour mill
Greenhouses
Florist -- wholesale
Grain storage and elevator
Ice cream manufacture
Ice manufacture
Iron, steel or copper fabrication plant
Laundry
Livery freight depot or garages
Machine shop
Oil well supply warehouses and yard
Oil storage and bulk stations
Poultry processing
Planing mill and wooden box manufacture
Manufacture of any kind not listed under this section, provided that such use is not noxious or offensive by reason of the emission of dust, smoke, gas, noise or vibration.
- (3) Any manufacture or industrial process not heretofore listed and not prohibited by law or ordinance.
- (4) Accessory buildings and uses incident to the above.

SECTION 2. HEIGHT REGULATION. No building shall exceed seventy-five (75) feet in height unless set back from all lot lines one (1) foot for each two (2) feet of its height above seventy-five (75) feet, to a maximum of ten (10) feet of setback. When building is located adjacent to residential or apartment use district, it shall not exceed forty (40) feet in height, unless it is set back one (1) foot from all required yard limits for each one (1) foot of additional height above forty (40) feet.

SECTION 3. AREA REGULATIONS.

- (1) Front yard:
 - (a) No front yard shall be required for business or industrial

use. A twenty (20) foot minimum front yard will be required for residential or apartment use.

(2) Side yard:

(a) No side yard will be required for business or industrial use. For residential or apartment use, a side yard shall be five (5) feet on all sides, except that a side yard, adjacent to a side street, shall not be less than ten (10) feet wide.

(3) Rear yard:

(a) No rear yard shall be required for commercial use. For residential or apartment use, there shall be a rear yard of at least twenty (20) feet depth.

(4) Area of the lot:

(a) For exclusively residential or apartment use, the minimum lot area shall be as prescribed in Class "A". For uses other than dwelling permitted in this district, there are no restrictions.

(5) Width of the lot:

(a) The minimum width of the lot for residential or apartment use shall be as prescribed in Class "A". For commercial building use, there is no width restriction.

(6) Depth of lot:

(a) The minimum depth of lot shall be set out, or may be set out, by the City Planning Commission of the City of Dilley for the district in which the lot is located, except for Class I, in which no depth requirements are imposed for commercial uses.

(7) Parking regulations:

(a) One off-street parking space shall be provided for each dwelling unit. Any business building shall provide off-street facilities for the loading and unloading of merchandise and goods within the building or adjacent to a public alley to facilitate movement of traffic on the streets.

ARTICLE 12. CLASS J. INDUSTRIAL DISTRICT. When designated for future use shall be as follows:

SECTION 1. USE REGULATION. In an Industrial District, Class J, no building, structure or premises shall be used and no building or structure shall be erected, altered or enlarged which is intended or designated to be used; in whole or in part, for any other than one or more of the following specified uses:

(1) Any use permitted in a Class "H", Commercial Business District, or Class I, Light Industrial District.

- (2) Canning and preserving factory
 Cattle pens, sheds, and stockyard
 Cotton ginning, compressing, oil mill and storage yard
 Cotton seed products manufacture
 Creamery and dairy products manufacture and processing --
 wholesale milk distribution
 Chicken hatchery
 Food products manufacture, processing, packing and sales
 Junk yard
 Veterinary hospital
 Wrecking yard
- (3) Any manufacture or industrial process not heretofore listed
 and not prohibited by law or ordinance.
- (4) Accessory buildings and uses incident to the above.

SECTION 2. HEIGHT REGULATIONS. No building shall exceed seventy-five (75) feet in height unless set back from all lot lines one (1) foot for each foot above the here-in stated height limit. When building is located adjacent to residential or apartment use district, it shall not exceed forty (40) feet in height unless it is set back one (1) foot from all required yard limits for each one (1) foot of additional height above forty (40) feet.

SECTION 3. AREA REGULATIONS.

- (1) Front yard:
 - (a) No front yard shall be required for business or industrial use. A twenty (20) foot minimum front yard will be required for residential or apartment use.
- (2) Side yard:
 - (a) No side yard will be required for business or industrial use. For residential or apartment use, a side yard shall be five (5) feet on all sides, except that a side yard adjacent to a side street shall not be less than ten (10) feet wide.
- (3) Rear yard:
 - (a) No rear yard shall be required on commercial use. For residential or apartment use, there shall be a rear yard of at least twenty (20) feet depth.
- (4) Area of the lot:
 - (a) For exclusively residential or apartment use, the minimum lot area shall be as prescribed in Class "A". For uses other than dwelling, permitted in this district, there are no area restrictions.

(5) Width of the lot:

- (a) The minimum width of the lot for residential or apartment use shall be as prescribed in Class "A". For commercial building use, there is no width restriction

(6) Depth of the lot:

- (a) The minimum depth of lot shall be as set out, or may be set out, by the City Planning Commission of the City of Dilley for the area in which the lot is located, except for Class J, in which no depth requirements are imposed for commercial uses.

(7) Parking regulations:

- (a) Any business shall provide off-street facilities for the loading or unloading of merchandise and goods within the building or adjacent to a public alley to facilitate movement of traffic on the streets.

ARTICLE 13. SPECIAL AREA REGULATIONS.

SECTION 1. VISION CLEARANCE.

- (1) On any lot on which a front yard is required by this ordinance, no wall, fence or other structure shall be erected and no hedge, tree, shrub or other growth or structure of any kind shall be maintained in such location, within such required front yard, so as to obstruct view. Any of the above that exceeds 4 1/2 feet from ground level be considered to obstruct the view.

SECTION 2. FRONT YARD.

- (1) No porch, enclosed or un-enclosed; stoop, canopy, patio, or other structure shall extend into the front yard, except that the eaves may extend four feet.

SECTION 3. SIDE YARD -- REAR YARD.

- (1) The space, in rear or side yard, shall be unobstructed, except for a portecochere and the ordinary projections of window sills, belt courses, eaves and other ornamental fixtures. A building and an accessory building, erected on the same lot, shall be for the area consideration or regulation considered as a single building, except that accessory building shall not cover more than forty (40) per cent of the rear yard.

SECTION 4. LOT AREA.

- (1) On any lot, separately owned and of record on the date of final passage of this ordinance, a single family residence may be erected even though of less area than required by this ordinance.

SECTION 5. LOT DESIGNATION.

- (1) On unplatted property, only one structure and accessory building, for single or two family use, shall be permitted; however, permits for private housing units or projects and shopping centers may be issued in unplatted area, when approved by the Zoning and Planning Commission.

SECTION 6. AREA NOT TO BE DIMINISHED.

- (1) The lot, open space, or yard area, required by this ordinance for a particular building, shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building. If the lot, open space, or yard area, required by this ordinance for a particular building, are diminished, the continued existence of such building shall be deemed a violation of this ordinance.

ARTICLE 14. NON-CONFORMING USES.

SECTION 1. Any use of property, existing at the time of the passage of this ordinance, that does not conform to the regulations prescribed in the preceding sections of this ordinance, shall be deemed a non-conforming use; except that any duplex or apartment use, existing at the time of the passage of this ordinance, shall be thereafter deemed a conforming use. Any lawful use, existing within a building at the time of the passage of this ordinance, in any business or industry, shall be deemed a conforming use upon the lot devoted to such use at the time of the passage of this ordinance.

SECTION 2. The lawful use of land, existing at the time of the passage of this ordinance, although such does not conform to the provision hereon, may be continued; but, if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.

SECTION 3. The lawful use of the building, at the time of the passage of this ordinance, may be continued, although such does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alteration, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification; provided, however, that in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, it shall not later revert to the former lower or less restricted classification.

SECTION 4. The right of non-conforming use, to continue, shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustment, be reasonable required for the protection of adjacent property.

SECTION 5. In case of partial destruction by fire or other causes, not exceeding fifty (50) per cent of its value, the building inspector may issue permit for reconstruction. If greater than fifty (50) per cent and less than total, the Board of Adjustment may grant permit for repair, after public hearing and having due regard for the property rights of the persons affected, when considered in the light of the public welfare and in the character of the area surrounding the designated non-conforming use and the conservation and preservation of property.

SECTION 6. No animals, livestock, poultry or birds of any kind shall be kept, raised or bred on any lot for commercial purposes. All persons having poultry or livestock, to be used other than commercial purposes, shall be required to keep them penned on their own lots provided their presence do not become offensive or become a public health menace.

ARTICLE 15. COMPLETION OF EXISTING BUILDINGS.

SECTION 1. Nothing, herein contained, shall require any changes in the plans, construction or designated use of a building actually under construction, at the time of the passage of this ordinance, and which entire building shall be complete within one (1) year from the date of the passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries of the districts, the provisions of this ordinance, with regard to building, or premises, existing or buildings under construction, or building permits issued at the time of the passage of this ordinance, shall apply to buildings or premises existing, or building under construction, or amendment at the time of the passage of such amendment.

ARTICLE 15 a. PARKING OF HOUSE TRAILERS.

It shall be unlawful to park a mobile home, house trailer, or travel trailer on any lots in classification A through E, inclusive, with the following exceptions:

1. Travel trailers, under 28 ft. in length, while unoccupied may be parked in such areas.
2. A temporary permit for a period not exceeding 30 days may be obtained upon request to accommodate persons visiting for such period.

ARTICLE 16. CERTIFICATE OF OCCUPANCY AND COMPLIANCE.

SECTION 1. No building, hereafter erected or structurally altered, shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the city inspector stating that the building, or proposed use of a building or premises, complies with the building laws and provisions of these regulations.

SECTION 2. Certificate of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the city inspector and copies shall be furnished on request to any person having a property or tenancy interest in the building affected.

SECTION 3. No permit, for excavation for any building, shall be issued before application has been made for a certificate of occupancy and compliance.

ARTICLE 17. BOARD OF ADJUSTMENT.

SECTION 1. There is, hereby created, a Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of two years and removable, for cause, by the appointing authority. Vacancies shall be filled by the appointment, by the original appointing authority, of a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause.

The Board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions to the terms of this ordinance, in harmony with its general purpose and intent and in accordance with general or special rules therein contained, for the purpose of rendering full justice and equity to the general public.

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times at the Board may determine. The chairman, or in his absence, the acting chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which, shall be filed immediately in the office of the Board and shall be a public record.

The City Secretary of the City of Dilley, Texas, shall be an ex officio member of the Board; shall be its secretary, and shall keep all records for the Board. All meetings of the Board shall be held at the City Hall.

SECTION 2. Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof. The officer, from whom the appeal is taken, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken, certified to the Board of Adjustment, after the notice of appeal shall have been filed with him that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or by agent.

SECTION 3. The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination, made by an administrative official in the enforcement of this ordinance.
- (2) To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under this ordinance.
- (3) To authorize, upon appeal in special cases, such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice be done.

- (4) In exercising its powers, the Board may, in conformity with the provisions of ARTICLE 1011-A and including 1011-J, of the 1925 Civil Statutes of Texas, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
- (5) The concurring vote of four (4) members of the Board 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.
- (6) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, any officer, or department of the Municipality, may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the Office of the Board and not thereafter.

ARTICLE 18. UNPLATTED PROPERTY.

SECTION 1. All unplatted or unsubdivided property is expressly zoned Class "A" District. At the time the owner of any such unplatted and unsubdivided property proposes to subdivide and/or develop, the same as a subdivision or otherwise, he shall submit a plat of the proposed subdivision to the City Zoning and Planning Board for public hearing and approval or rejection.

At the time of the approval, the Zoning and Planning Board shall designate the recommended residential use district for such subdivision. Thereafter, upon approval of the City Commission and the filing of said approved plat for record, said subdivision shall be zoned by the City Commission.

ARTICLE 19. BOUNDARIES OF DISTRICTS, RULES WHERE UNCERTAINTY MAY EXIT.

SECTION 1. Where uncertainty exists with respect of the boundaries of the various districts, as shown on the map, accompanying and made a part of this ordinance, the following rules apply:

- (1) The district boundaries are streets, alley and property lines, unless otherwise shown, where the district boundaries are shown approximately to be on streets, alleys or property lines is intended.

- (2) Where the district boundaries are otherwise indicated, and where the property has been, or may hereafter be divided into blocks and lots, the district boundaries shall be considered and established on block and lot lines.
- (3) In undivided property, the district boundaries shall be established by scale on the map.
- (4) In case of district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the less restricted district.

ARTICLE 20. ENFORCEMENT.

SECTION 1. The provisions of this ordinance shall be administered and enforced by the building inspector of the City of Dilley, Texas. All applications for building permits shall be accompanied by a plat drawn in duplicate showing the actual dimensions of the lot to be built on, the size of the buildings to be erected, the use of the property, and such other information that may be necessary and requested by the building inspector of the City of Dilley, Texas, to permit enforcement of these regulations. The record of the application plat and other information shall be carefully preserved in the office of the building inspector.

ARTICLE 21. PENALTY FOR VIOLATION.

SECTION 1. Any person, firm or corporation who shall violate the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use any building or structure in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred (100) Dollars and each day that such violation shall be permitted to exist, shall constitute a separate offense. The owner, or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any builder, contractor, agent, person, firm, association or corporation employed in connection therewith and who may have assisted in the commission of any violation, shall be guilty of a separate offense, and upon conviction, shall be fined as hereinabove provided.

SECTION 2. A violator of these rules and regulations shall not plead failure to ask for a variance from the Board of Adjustment or a change in the Zoning Map from the Zoning and Planning Board as a reason for continuation of case in court.

ARTICLE 22. DEFINITIONS.

SECTION 1. The following shall apply in the interpretation and enforcement of this ordinance, to-wit:

- (1) Words used in the present tense, including the future; words in the singular number, including the plural number; the words in the plural number, include the singular number; the word "building", includes the word "structure"; the word "lot", includes the word "plot"; the word "shall" is mandatory and not discretionary.
- (2) ACCESSORY BUILDING: A subordinate use or building customarily incident to and located on the lot occupied by the main use or building.
- (3) ALLEY: A way which extends only secondary, means of access to abutting property.
- (4) APARTMENT: A room or suite or rooms, in an apartment house or tenement arranged, designed or occupied as the residence of a single family, individual, or group of individuals.
- (5) APARTMENT HOUSE: A building, or portion thereof, arranged, designed or occupied by three (3) or more families living independently of each other.
- (6) AREA OF LOT: The area of the lot shall be net area of the lot and shall not include portions of streets or alleys.
- (7) BASEMENT: A story partly underground and having at least one half of its height above the average level of the adjoining ground. A basement shall be counted as a story, if subdivided, and used for dwelling or business purposes.
- (8) BLOCK: An area within the City, enclosed by streets and occupied by or intended for building; or, if said 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.
- (9) BOARDING HOUSE: A building, other than a hotel, where lodging and meals for five (5) or more persons are served for compensation.
- (10) BUILDING: Any line parallel to the street line beyond which buildings may not be erected.
- (11) BUILDING, HEIGHT OF: The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

- (12) **BUSINESS:** Includes the Neighborhood Shopping, Commercial, Light Industrial and Heavy Industrial Uses and Districts, as herein defined.
- (13) **CELLAR:** A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.
- (14) **CLINIC:** An institution, or station, for the examination and treatment of ill and afflicted out-patients.
- (15) **CONVALESCENT HOME:** Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.
- (16) **COURT:** An open, unoccupied space, bounded on two or more sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building, or by walls of a building and an adjoining, inside lot line. An outer court is a court having one side open to a street, alley, yard or other permanently open space.
- (17) **COURTS, TOURIST:** A building, or group of buildings, designed, arranged or used for temporary occupancy having accommodation for housing the parking automobiles in close proximity to the quarters occupied by the owner of such automobile and providing for three (3) or more of such quarters.
- (18) **COURTS, TRAILER:** An area designed and used for the temporary occupation by automobile trailer or tent quarters and providing for one (1) or more of such quarters.
- (19) **CURB LEVEL:** The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb, or its equivalent, for the purpose of this ordinance.
- (20) **DAY NURSERY:** A place where children are left for care between the hours of 7 A. M. and 12 P. M.
- (21) **DEPTH OF REAR YARD:** The mean horizontal distance between the rear line of a building, other than an accessory building, and the center line of the alley where an alley exists, otherwise, the rear lot line.
- (22) **DEPTH OF LOT:** The mean horizontal distance between the front and rear lot lines.
- (23) **DISTRICT:** A section of the city for which the regulations governing the area, height and use of buildings are uniform.

- (24) DWELLING UNIT: A building, or portion of a buildings, which is arranged, occupied or intended to be occupied as living quarters.
- (25) DWELLING MULTIPLE: A building used or designed as a residence for three (3) or more families or households living independently of each other.
- (26) DWELLING, GROUP HOUSES: Detached, or semi-detached dwellings, built on one (1) lot, usually in opposing rows separated by a wallway or court.
- (27) DWELLING, ONE-FAMILY: A detached building having accommodations for and occupied by only one family.
- (28) DWELLING, TWO-FAMILY: A detached building for separate accommodations for and occupied as, or to be occupied as a dwelling for only two families.
- (29) EFFICIENCY APARTMENT: An apartment having combination living and bedroom (no separate bedroom).
- (30) FAMILY: A family is any number of individuals living together as a single housekeeping unit; as distinguished from a group occupying a boarding house, a lodging house, or both, or hotel, as herein defined.
- (31) FRONTAGE: All the property abutting on one (1) side of a street between two (2) intersection streets, measured along the street line.
- (32) FRONT YARD: An open, unoccupied space on the same lot with a building, between the building and the street, extending across the front of the lot.
- (33) GARAGE, PRIVATE: A garage with a capacity for not more than two (2) motor driven vehicles for storage only, and for private use
- (34) GROSS FLOOR AREA: The gross floor area of any apartment house shall be measured by taking outside dimensions of the apartment building at each floor excluding, however, the floor area of basements or attics, when not occupied as living quarters.
- (35) GARAGE, PUBLIC: Any premises, not a private garage, as defined above, used for housing of more than three (3) motor vehicles or where any such vehicles are repaired for operation, or kept for remuneration, hire, or sale.
- (36) GARAGE STORAGE: Any premises, except those defined as a private or public garage, used exclusively for the storage of automobiles.

- (37) **GROUP HOUSES:** A group of detached or semi-detached dwellings facing upon a place, as herein defined.
- (38) **HEIGHT:** The height of a building, or portion of a building, shall be measured from the average established grade at the street lot line or from the average, natural ground level, if higher; or if no street grade has been established, to the highest point of the roof's surface, if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge hip or gable roofs. In measuring the height of a building, the following structure shall be excluded; chimneys, colling towers, radio or television towers, ornamental cupolas, domes, or spires, elevator bulk heads, pent houses, tanks, water towers, and parapet walls, not exceeding four (4) feet in height.
- (39) **HOME OCCUPATIONS:** Any occupation that is customarily performed at home, that does not involve a structural change in the building, that does not require the employment of help, the installation of equipment or the display of a sign, and shall not include beauty culture schools, beauty parlors, doctor's offices for treatment of patients.
- (40) **CUSTOMARY HOME OCCUPATIONS:** Occupations ordinarily carried on in a home that are not detrimental or injurious to adjoining property. These may include serving meals or renting rooms to not more than five (5) persons not members of the household, dressmaking, millinery, washing and ironing. Customary home occupations shall not include barber shops, flower shops, carpenter shops, electricians' shops, plumbers' shops, radio shops, tinner shops, transfer or moving van offices, auto repairing or sign painting.
- (41) **HOTEL:** A building occupied as the, more or less, temporary abiding place of individuals who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire; provisions not made for cooking in any individual apartment, and in which, there are more than twelve (12) sleeping rooms, a public dining room for the accommodations of more than twelve (12) guests, and a general kitchen.
- (42) **INSTITUTION:** A building occupied by a non-profit corporation or non-profit establishment for public use.
- (43) **HOSPITAL:** An institution, or place where sick or injured in-patients, are given medical or surgical care either at public (charity) or private expense.
- (44) **HOUSE TRAILER:** A non-self propelled vehicle containing living or sleeping accommodations, which is designed or used for highway travel.

- (45) **LODGING HOUSE:** A building, other than a hotel, where lodging for five (5) or more persons is provided for compensation.
- (46) **LOT:** 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.
- (a) Interior -- is a lot other than a corner lot.
- (b) Through -- a lot having frontage on two (2) parallel or approximately parallel streets.
- (c) Fractional -- a portion of a lot that has been cut off a corner lot, having the side line of the corner lot as a side line.
- (d) Front line -- the line of an interior lot, which is adjacent to the street. On corner lots, it is the prolongation of the front lot line of adjacent interior lots, as originally platted.
- (47) **LOT LINES:** The lines bounding a lot, as defined herein.
- (48) **LOT, CORNER:** A lot situated at the junction of two or more streets and having a width not greater than 100 feet.
- (49) **LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.
- (50) **NON-CONFORMING USES:** A building, or premises, occupied by a use that does not conform to the regulations of the use in the district in which it is situated.
- (51) **OPEN SPACE:** Area included in any side, rear or front yard, or any unoccupied space on a lot that is open and unobstructed to the sky, except for the ordinary projection of cornices, eaves or porches.
- (52) **PARKING AREA, SEMI-PUBLIC:** An open area, other than a street, alley or place, used for temporary parking of more than five (5) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals and non-commercial clubs.
- (53) **PARKING, AREA, PUBLIC:** An open area, other than a street, alley or place, used for the temporary parking of more than five (5) self-propelled vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
- (54) **PERSONS:** The word "person", when used in this ordinance, shall, for the purpose of this ordinance, mean every person, firm, co-partnership, association, partnership, corporation, or society; and the term "person" shall include both singular and plural, and the masculine shall embrace the feminine gender.

- (55) PLACE: An open, unoccupied space reserved for purposes of access to abutting property.
- (56) REAR YARD: A space unoccupied, except by buildings of accessory use as hereinafter permitted, extending for the full width of the lot between a building, other than a building of accessory use, and the rear lot line.
- (57) RESERVED FRONTAGE: A portion of a corner lot fronting the street which was originally platted as a side street.
- (58) SCHOOLS: The term "schools", as used in this ordinance, is defined as such institutions of learning, not operated for profit, which offer and maintain a course or courses of instruction leading to degrees or certificates graduation recognized by the University of Texas.
- (59) SERVANTS' QUARTERS: An accessory building located on the same lot or grounds with the main building, and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
- (60) STORY: That portion of a building between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above.
- (61) STREET: Any public thoroughfare dedicated to the public and not designated as an alley.
- (62) STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which at least two (2) exterior walls are not more than two (2) feet above the floor of such story.
- (63) STRUCTURE: Anything constructed, or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (64) STRUCTURAL ALTERATIONS: Any change in the supporting member of a building such as bearing walls, columns, beams or girders.
- (65) YARD: An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- (66) FRONT YARD: An open, unoccupied space on a lot facing a street, between a building and a street line. If no building exists, a front yard is an open, unoccupied space facing a street and adjacent thereto.

(67) REAR YARD: A yard extending across the full width of the lot and measured between the farthest rear line of the main building and the rear line of the center of an alley, if there is an alley, otherwise, the rear lot line.

(68) SIDE YARD: The mean horizontal distance between a side wall of a building and the side line of the lot.

ARTICLE 23. CHANGES AND AMENDMENTS.

SECTION 1. The City Council may, from time to time, amend, supplement or change, by ordinance, the boundaries of the districts of the regulations herein established.

Before taking action on any proposed amendment, supplement or change, the City Council shall submit same to the Planning and Zoning Commission for its recommendation and report.

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication, three (3) times in the official publication of the City of Dilley, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

Unless such proposed amendment, supplement, or change has been approved by the Planning and Zoning Commission, or if a protest against such amendment, supplement or change has been filed with the City Clerk, duly signed and acknowledged by the owners of twenty (20) per cent, or more, either of the area or the lots included in such proposed changes, or those immediately adjacent in the rear thereof, extending two hundred (200) feet from the street from frontage of such opposite lots, such amendment, supplement or change shall not become effective except by a two-thirds ($2/3$) vote of the City Council.

ARTICLE 24. VALIDITY OF ORDINANCE.

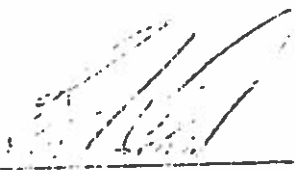
SECTION 1. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance, as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

ARTICLE 25. EFFECTIVE DATE.

SECTION 1. WHEREAS, on account of the congestion in the streets in the City of Dilley and the danger from fire, panic, and the lack of adequate

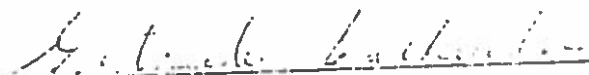
ordinances and provisions controlling the construction and use of buildings and other structures within the City of Dilley, the lack of regulations restricting and regulating the use to which lands and buildings of the City of Dilley may be devoted, creates an urgency and emergency in behalf of the public peace, health, safety and general welfare, necessitating that this ordinance become effective immediately upon its passage, and publication.

READ, passed and adopted at meeting of the City Commission held the 12th. day of June, 1967.



Mayor
City of Dilley, Texas

ATTEST:



City Clerk

SEAL

Article 15a. amended Feb. 9, 1971 by Ord. 152

Article 4 amended Feb. 12, 1974 by Ord. 167

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