

ORDINANCE NO. 130103
REQUIRING A MINIMUM OF FRONTAGE
ON A PUBLIC STREET OR ROAD
AMENDMENT NO. 13
CITY OF CHINA GROVE, TEXAS

BE IT ORDAINED BY THE BOARD OF ALDERMAN (aka CITY COUNCIL) OF THE CITY OF CHINA GROVE, TEXAS:

That Ordinance No. 960711 having been enacted by the City Council of the City of China Grove on July 11, 1996, and later amended by Ordinance No. 960822, later amended by Ordinance No. 970703, later amended by Ordinance No. 990422 later amended by Ordinance No. 000106, later amended by Ordinance No.001207-1, later amended by Ordinance No. 011206, later amended by Ordinance No. 030403-1, later amended by Ordinance No. 030501, later amended by Ordinance No. 041007A, later amended by Ordinance No. 080306, later amended by Ordinance No. 080605, later amended by Ordinance No. 090108B, the City Council in the best interest of the community, now amends such ordinance by amending Section 12, to read as follows:

Section 12: ADDITIONAL REQUIREMENTS FOR SUBDIVISIONS.

D. Each residential lot shall have a minimum of 30 feet of frontage on a public street or road.

E. Each commercial lot shall have a minimum of 50 feet of frontage on a public street or road.

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this 3rd day of January, 2013 after public notice of the time, place and purpose of said meeting was given and posted as required by law.



Dennis Dunk, Mayor

Attest:



Susan Conaway, City Secretary/Administrator

**ORDINANCE NO. 090108B
ZONING ORDINANCE
AMENDMENT NUMBER 12
TOWN OF CHINA GROVE, TEXAS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN (aka CITY COUNCIL) OF THE TOWN OF CHINA GROVE, TEXAS:

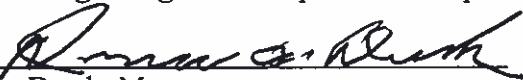
That Ordinance Number 960711 having been enacted by the City Council of the Town of China Grove on July 11, 1996, and later amended by Ordinance Number 960822, and later amended by Ordinance number 970703, and later amended by Ordinance Number 990422, and later amended by Ordinance Number 000106 and later amended by Ordinance Number 001207, and later amended by Ordinance Number 011206, and later amended by Ordinance Number 030403, and later amended by Ordinance Number 030501, and later amended by Ordinance Number 041007A and later amended by Ordinance Number 080306 and later amended by Ordinance Number 080605 the Council in the best interest of the community, now amends such ordinance by amending Section 7, as amended, to read as follows:

Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS.

A. Construction Regulations:

3. No dwelling or residential accessory building shall be erected, converted, enlarged, reconstructed or structural altered unless at least seventy-five percent (75%) of its first story exterior walls shall be of brick, stone, or stucco-covered construction or Hardi board or a similar manufactured masonry siding applied in accordance with manufacturer specifications. No commercial building shall be erected, converted, enlarged, reconstructed or structural altered unless at least one hundred per cent (100%) of its first story exterior walls shall be of brick, stone, or stucco-covered construction or Hardi Board or a similar manufactured masonry siding applied in accordance with manufacturer specifications.

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this 8th day of January, 2009, after public notice of the time, place and purpose of said meeting was given and posted as required by law.


Dennis Dunk, Mayor

Attest:

Susan Conway, City Secretary

ORDINANCE NUMBER 080605
ZONING ORDINANCE
AMENDMENT NO.11
CITY OF CHINA GROVE, TEXAS
(ACCESSORY BUILDINGS)

BE IT ORDAINED BY THE BOARD OF ALDERMEN (aka city council) OF THE CITY OF CHINA GROVE, TEXAS:

That Ordinance Number 960711 having been enacted by the City Council of The City of China Grove on July 11, 1996, and later amended by Ordinance Number 960822, and later amended by Ordinance Number 970703, and later amended by Ordinance Number 990422, and later amended by Ordinance Number 000106, and later amended by Ordinance Number 001207, and later amended by Ordinance Number 011206, and later amended by Ordinance Number 030403, and later amended by Ordinance Number 030501, and later amended by Ordinance Number 041007A, and later amended by Ordinance Number 080306 the council in the best interest of the community, now amends such ordinance by amending Section 7, as amended, to read as follows:

Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS.

...

A. Construction Regulations:

...

3a. Each residential lot within the City of China Grove shall, in addition to the dwelling provided for in Section 7(A)(3), above shall be allowed one (1) metal building subject to the following conditions and regulations:

- (1) Any such metal building shall be constructed of material and be of a color which is aesthetically appropriate to a residential lot; and,**
- (2) Any such metal building shall be constructed of material and be of a color which is architecturally and aesthetically compatible with the residential structure on the lot; and,**
- (3) Any such metal building with more than 500 square feet shall be required to have an engineered slab foundation; and,**
- (4) Any such metal building shall be placed behind any exterior wall of the residential structure which is nearest to any street; and,**
- (5) No such metal building may be erected prior to the final completion of the residential structure on the lot.**

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this 5th day of June, 2008, after public notice of the time, place and purpose of said meeting was given and posted as required by law.


DENNIS DUNK, Mayor

ATTEST 
SUSAN CONAWAY, City Secretary

**ORDINANCE NO.041007A
ZONING ORDINANCE
AMENDMENT NUMBER 9
TOWN OF CHINA GROVE, TEXAS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN (aka CITY COUNCIL) OF THE TOWN OF CHINA GROVE, TEXAS:

That Ordinance Number 960711 having been enacted by the City Council of the Town of China Grove on July 11, 1996, and later amended by Ordinance Number 960822, and later amended by Ordinance number 970703, and later amended by Ordinance Number 990422, and later amended by Ordinance Number 000106 and later amended by Ordinance Number 001207, and later amended by Ordinance Number 011206, and later amended by Ordinance Number 030403, and later amended by Ordinance Number 030501 the Council in the best interest of the community, now amends such ordinance by amending Section 7, as amended, to read as follows:

Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS.




A. Construction Regulations:



3. No dwelling shall be erected, converted, enlarged, reconstructed or structurally altered unless at least seventy-five per cent (75%) of its first story exterior walls shall be of brick, stone, or stucco-covered construction or of Hardi Board or a similar manufactured masonry siding material, provided, however, that one hundred percent (100%) of its front exterior wall shall be of brick, stone, or stucco-covered construction. No commercial building shall be erected, converted, enlarged, reconstructed or structurally altered unless at least one hundred per cent (100%) of its first story, front exterior wall shall be of brick, stone, or stucco-covered construction or of Hardi Board or a similar manufactured masonry siding material provided, however, that any dwelling that was erected prior to April 4, 1985 or in conformity with the existing use, height, area and construction regulations at the time such dwelling was erected may be maintained or structurally altered using the same class of construction materials as the original structure. Existing mobile homes or manufactured housing may not be replaced, converted, enlarged, reconstructed or structurally altered.

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this 7th day of October, 2004, after public notice of the time, place and purpose of said meeting was given and posted as required by law.


Dennis Dunk, Mayor

Attest: 
Susan Conaway, City Secretary

ORDINANCE NO. 000106
ZONING ORDINANCE AMENDMENT NUMBER 4
TOWN OF CHINA GROVE, TEXAS

BE IT ORDAINED BY THE BOARD OF ALDERMEN (aka CITY COUNCIL) OF THE TOWN OF CHINA GROVE, TEXAS:

That Ordinance Number 960711 having been enacted by the City Council of the Town of China Grove on July 11, 1996, and later amended by Ordinance Number 960822, and later amended by Ordinance Number 970703, and later amended by Ordinance Number 990422, the Council, in the best interest of the community, now amends such ordinance by amending Section 7, as amended, to read as follows:

Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS.



A. Construction Regulations:



3. No dwelling shall be erected, converted, enlarged, reconstructed or structurally altered unless at least seventy-five per cent (75%) of its first story exterior walls shall be of brick, stone, or stucco-covered construction. No commercial building shall be erected, converted, enlarged, reconstructed or structurally altered unless at least one hundred per cent (100%) of its first story, front exterior wall shall be of brick, stone, or stucco-covered construction or of Hardi Board or a similar manufactured masonry siding material provided, however, that any dwelling that was erected prior to April 4, 1985 or in conformity with the existing use, height, area and construction regulations at the time such dwelling was erected may be maintained or structurally altered using the same class of construction materials as the original structure. Existing mobile homes or manufactured housing may not be replaced, converted, enlarged, reconstructed or structurally altered.

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this 6th day of January, 2000, after public notice of the time, place and purpose of said meeting was given and posted as required by law.



John H. Vrzalik, Mayor

Attest: 

Susan Conaway, City Secretary

ORDINANCE NUMBER 970703
(AMENDMENT #2)
AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE #960711
AS AMENDED BY ORDINANCE #960822

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CHINA GROVE:

That Ordinance Number 960711 having been enacted July 11, 1996 by the CITY COUNCIL OF CHINA GROVE and later amended by Ordinance Number 960822 the Council, in the best interest of the community, now amends such ordinance by amending Section 7, as amended, to read as follows:

Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS.

Unless otherwise specified, the regulations below pertain to "Class-1" and "Class-2" Districts.

A. Construction Regulations:

1. Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be on one or more lots, as herein defined, which said lot or lots shall have been formally platted.
2. Every commercial building must have an engineered slab.
3. No dwelling shall be erected, converted, enlarged, reconstructed, or structurally altered unless at least seventy-five percent (75%) of its first story exterior walls shall be of brick, stone or stucco-covered construction. No commercial building shall be erected, converted, enlarged, reconstructed, or structurally altered unless at least one hundred percent (100%) of its first story, front exterior wall shall be of brick, stone or stucco-covered construction.
4. Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be in compliance with Bexar county, Texas construction specifications.
5. Construction on any building shall be completed and the building shall be ready for use within one (1) year from the date of issuance of the permit.
6. That all construction commenced after the effective date of this ordinance comply in all respects with the National Electrical code of the National fire Protection Association as it

now exists and as amended, with the Uniform Mechanical code as it now exists and as amended, and with all applicable building codes and standards of the city of San Antonio, Texas.

7. That manufactured homes, mobile homes or any other temporary buildings will not be allowed in the CITY OF CHINA GROVE nor will permits be issued for same, except as hereafter provided.

8. That every commercial and residential building and any accessory building over 150 square feet must have an engineered slab, except that on a residential lot of more than two acres there may be constructed one "livestock barn" of an area in excess of 150 square feet which does not have an engineered slab.

9. That every accessory building over 150 square feet within all established subdivisions must have 75% masonry, except that on a residential lot of more than two acres there may be constructed one "livestock barn" of an area in excess of 150 square feet which does not have 75% masonry.

10. No fencing of any height will be allowed past the front of any residential building unless such residential building is situated on a lot of two acres or more.

B. USE REGULATIONS:

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

2. No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.

3. No liquid petroleum (LP) gas tanks are allowed without prior approval of City Council.

4. One head of livestock per acre in established subdivisions will be allowed. No hogs will be allowed. No dog kennels will be allowed.

C. HEIGHT REGULATIONS:

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is situated.

2. Public, semi-public or public service buildings, institutions

or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet additional height above the height limit otherwise provided in the district in which the building is located.

3. Chimneys, monuments, tanks, water towers, ornamental towers and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the CITY OF CHINA GROVE, TEXAS, provided that in the absence of any such ordinance there shall be no height limitation of these structures.

4. No fence shall be erected, converted, enlarged, reconstructed, or structurally altered to an overall height of more than six feet.

5. No wall, fence, sign or other structure, hedge or shrub planting shall be permitted or maintained higher than two (2) feet above the curb lines a line connecting them at points twenty-five (25) feet from the intersection of the curb lines extended.. No trees shall be permitted or maintained within such triangular areas, as herein defined, unless the foliage is maintained at sufficient height to prevent obstruction of sight lines across the restricted area at all normal vehicular height levels.

D. AREA AND DENSITY REGULATIONS:

1. That every lot or tract of land shall have an acre of not less than three-fourths (3/4) of an acre.

2. No more than one (1) main building shall be located on one (1) lot.

3. In a district in which commercial buildings are built with one or more stories for residential purposes above the commercial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.

4. No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of

skylights, sills, belt course, cornice, and other ornamental features which may project into such yards a distance of not more than two (2) feet.

5. Open, unenclosed porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.

6. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard provided these projects be distant at least two (2) feet from the adjacent side lot line.

7. Front Yard:

a. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

b. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then, (1) where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or (2) where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

8. Side Yards:

a. the minimum width of a side yard of a corner lot shall be not less than ten (10) feet provided that if the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is a front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five (25) feet back from the street line, in which case, the said yard need not be more than twenty-five (25) feet.

b. A side yard of not less than twenty-five (25) feet on the side of the lot adjoining a "Class-1" or "Class-2" District

shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semi-public buildings hereafter erected or structurally altered.

c. Garages detached or attached to the main use building entering on the side street or a corner lot shall maintain a side yard of twenty (20) feet from the front of the garage to the curb.

9. Signs:

a. Permanent signs shall not be larger than one hundred twenty (120) square feet and the top of the sign may not be higher than twenty-five (25) feet from the ground.

b. Permits may be issued for a temporary sign announcing the opening of a newly established commercial activity. This permit to be limited to one (1) per newly established commercial activity, and the sign shall be removed on or before the expiration of thirty (30) days after the issuance of the permit. This sign shall not be larger than thirty-two (32) square feet or a mobile sign of similar size as approved by the Building Permit Officer.

c. Signs shall only be placed on the same lot as the location of the commercial activity being advertised.

d. Should any of the provisions pertaining to signs be violated, in addition to the penalties set out in Section 51 of the ordinance, the City may remove and impound such sign upon three (3) days notice to the violator (and to the owner of the sign, if they are different) and hold it for the reasonable storage and removal costs, to be levied against the violator. If the owner of the sign is not the violator, he may recover the sign from the City subject to storage costs only.

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this the 3rd day of July, 1997, after public notice of the time, place, and purpose of said meeting was given and posted as required by law.



JOHN VRZALIK, Mayor

ATTEST: 

SUSAN CONAWAY, City Secretary

ORDINANCE NUMBER 960822

AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE #960711

AMENDMENT #1

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CHINA GROVE:

That ordinance Number 960711 was enacted July 11, 1996 by the CITY COUNCIL OF CHINA GROVE, and the Council feels it is in the best interest of the community to now amend that ordinance.

That "Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS" be amended as follows:

A. CONSTRUCTION REGULATIONS:

1. That all construction commenced after the effective date of this ordinance comply in all respects with the National Electrical Code of the National Fire Protection Association as it now exists and as amended, with the Uniform Mechanical Code as it now exists and as amended, and with all applicable building codes and standards of the City of San Antonio, Texas.

2. That manufactured homes, mobile homes or any other temporary buildings will not be allowed in the CITY OF CHINA GROVE nor will permits be issued for same, except as hereafter provided.

3. That every commercial and residential building and any accessory building over 150 square feet must have an engineered slab.

4. That every accessory building over 150 square feet within all established subdivisions must have 75% masonry.

5. No fencing of any height will be allowed past the front of any commercial or residential building.

B. USE REGULATIONS:

1. One head of livestock per acre in established subdivisions will be allowed. No hogs will be allowed. No dog kennels will be allowed.

D. AREA AND DENSITY REGULATIONS:


1. That every lot or tract of land shall have an area of not less than three-fourths (3/4) of an acre.

READ AND CONSIDERED at a special meeting of the City Council of the CITY OF CHINA GROVE on the date hereinbelow subscribed and passed as written on the date noted.



MAC S. MORRIS, JR
MAYOR

Attest:



SUSAN CONAWAY
CITY SECRETARY

DATE CONSIDERED AND PASSED BY COUNCIL: August 22, 1996.

ORDINANCE NO. 960711
ZONING ORDINANCE
CITY OF CHINA GROVE, TEXAS

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, AND THE GENERAL WELFARE OF THE COMMUNITY BY REGULATING AND RESTRICTING THE HEIGHT AND SIZE OF BUILDINGS AND OTHER STRUCTURES, SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION, ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, AND USE OF ALL BUILDINGS, STRUCTURES AND LAND FOR RESIDENCE, TRADE, AND ALL OTHER PURPOSES; PROVIDING FOR THE AMENDMENT AND CHANGE IN SUCH REGULATION, RESTRICTIONS, AND BOUNDARIES OF SUCH DISTRICTS OR ZONES: DEFINING CERTAIN TERMS: PROVIDING FOR A BOARD OF ADJUSTMENT AND METHOD OF PROCEDURE FOR APPEALS THERETO; PROVIDING FOR PROCEDURE FOR ALL OTHER PURPOSES; PROVIDING APPROVAL REQUIREMENTS FOR SUBDIVISIONS; PROVIDING FOR MINIMUM STREET CONSTRUCTION SPECIFICATIONS, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF ALDERMEN (aka CITY COUNCIL) OF THE CITY OF CHINA GROVE, TEXAS:

Section 1: TITLE.

This ordinance shall be known, and may be cited as the Zoning Ordinance of the City of China Grove, Texas.

Section 2: PURPOSE.

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the City of China Grove, Texas. They have designed to lessen the congestion in the streets; to secure safety from fire, panic, or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid 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, to the character of the district and its peculiar suitability for particular used, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of China Grove, Texas.

Section 3: DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, the plural the singular. The word "building" shall include the word "structure", the word "lot" shall include the word "plot", and the word "shall" is mandatory and not merely permissive or directory.

1. Accessory buildings and Use. A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

2. Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

3. **Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.
4. **Clinic.** An office or group of offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.
5. **Curb-level.** The level of the established curb in front of the building measured with the center of such front. Where no curb has been established, the City Council shall establish such curb or the equivalent for the purpose of this ordinance.
6. **District.** A section or sections of the City of China Grove, Texas, for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
7. **Deleted use.** Any land or building lawfully occupied by a permitted use at the time of passage of this Ordinance or amendment thereto, which is subsequently deleted as an itemized permitted purpose (use) in Sections 5, 6, or 7 of this ordinance.
8. **Dwelling, Single Family.** A building designed and used exclusively for residential purposes having accommodations for and occupied exclusively by one (1) family with livable square footage not less than one thousand eight hundred (1800) square feet.
9. **Family.** One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel.
10. **Frontage.** All the property on one side of a street between two intersection streets (crossing or terminating), measured along the line of the street or if the street is a dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.
11. **Garage, Private.** An accessory building or portion of the main use building, designed for or used for the housing of motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle and of not more than one and one-half (1.5) tons capacity.
12. **Grade.**
 - (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
 - (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
 - (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
 - (d) Any wall approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Council.
13. **Height of Building.** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge for a gable, hip and gambrel roofs.

14. Home Occupation. Any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business, and not including any occupation conducted in any building on the premises excepting the building which is used by the occupant as his or her private dwelling. Home occupations shall include, in general, personal services such as furnished by an architect, lawyer, physician, dentist, musician, artist, and seamstress, when performed by the person occupying the building as his or her private dwelling but shall not include a partnership or the employment of more than one assistant in the performance of such services and shall not include the keeping of animals owned by others for a fee.

15. Lot. A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building with its accessory buildings, the open spaces and parking required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

16. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

17. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

18. Municipal Facility. Any building owned, leased and/or operated by the City of China Grove.

19. Non-Conforming Use. Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto, which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.

20. Offices. Any building used to conduct professional services such furnished by an architect, lawyer, physician, dentist, musician, artist, or seamstress.

21. Parking Space. An open or enclosed area intended for the parking of vehicles and containing not less than one hundred eighty (180) square feet, exclusive of driveways, connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

22. Public Facilities. Any building or land owned or leased by a government entity for the use of the general public.

23. Retail Store. Any building used for the lawful sale of goods to the general public.

24. Service Station. A business with the primary purpose of the sale of fuel for motor vehicles.

25. Story. That portion of a building, other than a basement, included 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 the floor and the ceiling next above it.

26. Street. A public thoroughfare which affords the principal means of access to abutting property.

27. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, and poster boards.

28. Structural Alterations. Any change in the support members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

29. Yard. An open space on the same lot with a building unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, the horizontal distance between the lot line and the main building shall be used.

30. Yard, Front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, enclosed balconies or open porch.

31. Yard, Rear. A yard extending across the rear of a lot, measured between the said lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of a lot from the front yard.

32. Yard, Side. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

Section 4: DISTRICTS.

For the purpose of regulation and restricting the height and size of the buildings and other structures, the percentage of lot that may be occupied, the size of the yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, residence, or other purposes, the City of China Grove, Texas, is hereby divided into districts, of which there shall be two (2) classes in number, and which shall be known as:

"Class-1" Low Intensity Land Use District

"Class-2" Medium Intensity Land Use District

Whenever any street, alley, or other public way is lawfully vacated by the City of China Grove, Texas, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated area and thereafter all land included in said vacated area shall be subject to all applicable regulations of the extended districts.

A. All lands within the corporate limits of the City of China Grove are zoned "Class-1" except as shown on the Zoning Map.

B. All territory hereafter annexed to the City of China Grove, Texas, shall be classified as "Class-1" Low Intensity Land Use District, until permanently zoned by the governing body of the City of China Grove, Texas.

Section 5. "CLASS-1" LOW INTENSITY LAND USE DISTRICT

The "Class-1" Low Intensity Land Use District has been created to establish and preserve areas of low intensity land use primarily devoted to low density residential development. The following regulations shall apply to the "Class-1" Low Intensity Land Use District:

A. Permitted Uses: The following principal uses, their accessory uses and structures, as well as customary home occupations are permitted:

Single-family dwellings
Municipal facilities

B. Conditional Uses: The following principal uses, their accessory uses and structures, as well as customary home occupations where applicable may be permitted with an approved site plan and the issuance of a conditional use permit:

Private recreation facilities
Model dwellings
Places of worship
Public or private schools

C. Prohibited Uses: Any use not permitted or any conditional use without the issuance of a conditional use permit specifically authorized by the City Council.

D. Use Regulations: Permitted and Conditional Uses shall comply with the regulations that follow. Changes in use regulations may be considered and approved.

Section 6. "CLASS-2" MEDIUM INTENSITY LAND USE DISTRICT

The "Class-2" Medium Intensity Land Use District has been created to establish and preserve areas of medium intensity land use primarily devoted to higher density residential and general commercial development. The following regulations shall apply to the "Class-2" Medium Intensity Land Use District.

A. Permitted Uses: The following principal uses, their accessory uses and structures, as well as customary home occupations where applicable, are permitted:

Public facilities
Places of worship
Municipal facilities
Offices
Retail stores

B. Conditional Uses: The following principal uses, their accessory uses and structures may be permitted with an approved site plan and the issuance of a conditional use permit.

Public or private schools
Medical Care Facilities
Shopping Centers
Establishments for on-site alcoholic beverage consumption
Veterinary care facilities
Mini-storage units
Private recreation facilities
Child Care Facilities
Commercial recreation facilities
Wholesale salesrooms
Personal service establishments
Dining establishments

C. Prohibited Uses: Any use not permitted or any conditional use without the issuance of a conditional use permit specifically authorized by the City Council.

D. Use Regulations: Permitted and Conditional Uses shall comply with the regulations that follow. Changes in use regulations may be considered and approved.

Section 7: USE, HEIGHT, AREA AND CONSTRUCTION REGULATIONS.

Unless otherwise specified, the regulations below pertain to "Class-1" and "Class-2" Districts.

A. Construction Regulations:

1. Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be on one or more lots, as herein defined, which said lot or lots shall have been formally platted.
2. Every commercial building must have an engineered slab.
3. No dwelling shall be erected, converted, enlarged, reconstructed, or structurally altered unless at least seventy-five per cent (75%) of its first story exterior walls shall be of brick, stone or stucco-covered construction. No commercial building shall be erected, converted, enlarged, reconstructed, or structurally altered unless at least one hundred per cent (100%) of its first story, front exterior wall shall be of brick, stone or stucco-covered construction.
4. Every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be in compliance with Bexar County, Texas construction specifications.
5. Construction on any building shall be completed and the building shall be ready for use within one (1) year from the date of issuance of the permit.

B. Use Regulations:

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.

2. No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.

3. No liquid petroleum (LP) gas tanks are allowed without prior approval of City Council.

C. Height Regulations:

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is situated.

2. Public, semi-public or public service buildings, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet additional height above the height limit otherwise provided in the district in which the building is located.

3. Chimneys, monuments, tanks, water towers, ornamental towers and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of China Grove, Texas, provided that in the absence of any such ordinance there shall be no height limitation of these structures.

4. No fence shall be erected, converted, enlarged, reconstructed, or structurally altered to an overall height of more than six feet.

5. No wall, fence, sign or other structure, hedge or shrub planting shall be permitted or maintained higher than two (2) feet above the curb level on any corner lot within a triangular area formed by the street curb lines a line connecting them at points twenty five (25) feet from the intersection of the curb lines extended.. No trees shall be permitted or maintained within such triangular areas, as herein defined, unless the foliage is maintained at sufficient height to prevent obstruction of sight lines across the restricted area at all normal vehicular height levels.

D. Area and Density Regulations:

1. No more than one (1) main building shall be located on one (1) lot.

2. In a district in which commercial buildings are built with one or more stories for residential purposes above the commercial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.

3. No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt course, cornice, and other ornamental features which may project into such yards a distance of not more than two (2) feet.

4. Open, unenclosed porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.

5. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard provided these projects be distant at least two (2) feet from the adjacent side lot line.

6. Front Yard:

a. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

b. Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then, (1) where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or (2) where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

c. In determining such front yard depth, buildings located entirely on the rear one-half (1/2) of a lot shall not be counted.

7. Side Yards:

a. The minimum width of a side yard of a corner lot shall be not less than ten (10) feet provided that if the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is a front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five (25) feet back from the street line, in which case, the said yard need not be more than twenty-five (25) feet.

b. A side yard of not less than twenty-five (25) feet on the side of the lot adjoining a "Class-1" or "Class-2" District shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semi-public buildings hereafter erected or structurally altered.

c. Garages detached or attached to the main use building entering on the side street or a corner lot shall maintain a side yard of twenty (20) feet from the front of the garage to the curb.

8. Signs

a. Permanent signs shall not be larger than one hundred twenty (120) square feet and the top of the sign may not be higher than twenty five (25) feet from the ground.

b. Permits may be issued for a temporary sign announcing the opening of a newly established commercial activity. This permit to be limited to one (1) per newly established commercial activity, and the sign shall be removed on or before the expiration of thirty (30) days after the issuance of the permit. This sign shall not be larger than thirty-two (32) square feet or a mobile sign of similar size as approved by the Building Permit Officer.

c. Signs shall only be placed on the same lot as the location of the commercial activity being advertised.

d. Should any of the provisions pertaining to signs be violated, in addition to the penalties set out in Section 15 of this Ordinance, the City may remove and impound such sign upon three (3) days notice to the violator (and to the owner of the sign if they are different) and hold it for the reasonable storage and removal costs, to be levied against the violator. If the owner of the sign is not the violator, he may recover the sign from the City subject to storage costs only.

Section 8. NON CONFORMING USES

A. Non-conforming Use of Land. The non-conforming use of land where no building is involved existing at the time of the passage of this ordinance may be continued for a period of not more than two (2) years therefrom, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, and that if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with regulations of the district in which it lies.

B. Conforming Use of Buildings. Except as otherwise provided in this Article, the non-conforming use of a building existing at the time this ordinance becomes effective may be continued, and the use of a non-conforming building may be changed to another use of the same or more restricted classification, it shall not thereafter be changed back to a use of a less restricted classification. A non-conforming building is or may hereafter become vacant and which shall remain unoccupied or its non-conforming use discarded for a continuous period of one (1) year, shall not thereafter be occupied except by a use which conforms to regulations of the District in which it is located. A non-conforming building may be maintained or kept in good repair except as otherwise provided in this section. No existing non-conforming building may be enlarged, extended, reconstructed or altered unless its use is changed to a use permitted in the District in which such building is located except in the event such enlargement, extension, reconstruction or alteration is required by court decision, law or ordinance. No non-conforming building shall be moved in whole or in part to any other location on the lot unless every portion of such building is made to conform to all the regulations of the District in which it is located. A non-conforming building which is damaged by fire, or the public enemy, earthquake, explosion, flood, wind, other calamity or act of God, to the extent of fifty per cent (50%) or more of its reasonable value may not be restored except in conformity with the regulations of the district in which it is located.

C. Deleted Use of Land and Buildings.

The deleted use of land or a building may continue in such previously permitted use for a reasonable period of time to allow the owner or lessee, as appropriate, in which to recover its existing investment, at the date the use is deleted, all under such terms and conditions as the City Council may determine from time to time.

D. Maintenance, Enlargement, Reconstruction or Remodeling.

Until terminated as proved hereafter, a deleted use of building may be: (a) maintained and kept in good repair, or (b) enlarged, reconstructed or remodeled under such terms and conditions as the City Council may require, provided such enlargement, reconstruction or remodeling is part of a city, state, region and/or nationwide modernization or remodeling program of the deleted use building owner or lessee.

E. Termination of Deleted Use.

The City, upon reasonable notice to owner and lessee, if any, of a deleted use building and/or land, may schedule a public hearing, the purpose of which is to set a future date by which such previously deleted use shall be terminated. Upon the affirmative vote of a majority of the Council to terminate such deleted use, such deleted use shall cease effective the date set in the Council's action.

Section 9: PERMITS.

The city council shall appoint a city building permit officer who shall make recommendations to the city council in accordance with the provisions of this ordinance. Said officer may be a member of the city council and may be appointed for a term not to exceed two years, subject to the pleasure of the city council.

A. No building, including an accessory building and parking lots (areas), or sign shall be constructed altered, reconstructed or enlarged without a permit therefor having first been issued and no such permit shall be issued unless the tract or lot upon which such building, parking lot (area) or sign is to be located shall have been formally platted and said plat filed for record in the manner provided by law.

B. No permit for the construction, alteration, or enlargement of any buildings or parking lots (areas) shall be issued by said officer, unless there first be filed in the permit office by the applicant therefor, a plan, drawn to scale and in such form as may be prescribed by the City Council, correctly showing the location and actual dimensions and location of the lot to be occupied, the dimensions and location on the lot of the building and/or parking lot (area) to be constructed, altered or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building or parking lot (area) is arranged, intended or designed, and furnishing such information as said officer may require in the enforcement of this ordinance, and any failure to comply with the provisions of this ordinance shall be good cause for the revocation of any such building permit by said officer. A record of such application and plans shall be kept in the office of said officer. A separate permit for parking lot (areas) will not be required for those parking lots (areas) included in the plans and specifications for the construction of new buildings.

C. No permit for the construction of any buildings shall be issued by said officer, unless there first be filed in the permit office by the applicant a letter from the utility companies to certify the utility company furnishing electricity, gas and water has received the proposed plat and the utility plan, if applicable, and the utility company has no objection to the consideration of the proposed plat and the utilities are currently available to the lot or will be available at the start of construction.

D. Building permits issued under the provisions of this Section, shall expire and become null and void if the building or work authorized by such permit is not commenced within 90 days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days, unless a time extension is recommended by the planning and zoning commission and approved by the City Council. Before such work can be re-commenced, a new permit shall first be obtained, and the fee therefore shall be one-half the amount required for a new permit for such work provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.

E. A building permit may not be assigned by the holder without the prior written approval of the China Grove City Council.

F. Fees for permits shall be set annually in June by the City Council.

Section 10: COMMUNITY UNIT PLAN.

The owner or owners of any tract of land in China Grove, Texas, may submit to the City Council a plan for the use and development of all of the tract of land for residential purposes, for study and report.

A. The City Council shall determine if the proposed project meets the following conditions:

1. The property adjacent to the area included in the plan shall not be adversely affected.
2. The plan is consistent with the intent and purposes of this ordinance to promote public health, safety, morals, and general welfare.
3. The buildings shall be used only for purposes provided for in "Class-1" and "Class-2" Districts.
4. The area of the tract is to be of sufficient size to permit effective common or coordinated planning with respect to street design, building placement and grouping of green or open spaces, as distinguished from conventional, unrelated, single lot development. In the absence of special factors, any tract considered for community unit planning should be large enough to avoid creating an unreasonable number of widely diversified areas of residential development within the city or any portion thereof.

B. If the City Council approves the plan, building permits may be issued.

Section 11: NEIGHBORHOOD SHOPPING CENTER.

The owner or owner of any tract of land comprising an area of not less than two and one-half (2.5) acres and lying within a "Class-2" district, may submit a development plan for the Neighborhood Shopping Center. Such application shall be processed in accordance with the provisions of Section 11 of this ordinance.

A. The City Council may approve the application if the development plan conforms to the following:

1. The uses permitted in the Center be limited to those of the "Class-2" District.
2. The entire development be designed as a single architectural unit with appropriate landscape and architectural treatment of the entire area.
3. That a least four (4) times the gross floor area of the stores included in the development is provided in off-street parking areas, which are integral parts of the design of the unit plan.
4. That the appropriate use of property adjacent to the area included in the plan shall be fully safeguarded, and to this end the Council may make such requirements as it deems necessary.
5. That satisfactory evidence be submitted that the automobile parking areas and the landscaped areas shall be properly constructed and maintained.
6. That the plan is consistent with the intent and purposes of this ordinance to promote the public health, safety, and general welfare.

Section 12: ADDITIONAL REQUIREMENTS FOR SUBDIVISIONS.

A. All plats, plans, exhibits, etc., shall be furnished to the City in the form of two (2) blue-line prints of each for the purpose of checking and the files. The plat is not considered approved until the Mayor, with the approval of the City Council, has signed the Linen Plat. The City has jurisdiction of planning for subdivisions that lie within its extraterritorial jurisdiction, and all subdivisions within this area outside the city limits shall be submitted for checking and approval in the same manner as those within the city limits.

1. Calculated Linen Inked Plat: All sheets to be 18" by 24" with Scale 1"-100' - Add Key Plan Cover Sheet where more than one (1) sheet is required.

2. Drainage Layout and Watershed Map: Shall have Topography of 2' or 5' CI. Plans shall show drainage areas quantities, and method of handling the water. Plans shall show Drain Channel and/or Storm Sewer Plan and Profile where street does not have capacity to carry water.

3. Street Plans and Profiles: Show all street plans and profiles including grades, cuts, construction details, etc. All streets shall be bounded on both sides by curbs with a minimum height of six (6) inches and sidewalks with a minimum width of three (3) feet.

4. Water Distribution Plans: Show layout of lines and details.

5. Utility Layout: Showing all utilities on one plat (not signed).

6. All structures in the subdivision shall have concrete or asphalt driveways.

7. All single-family dwellings in the subdivision shall have a two (2) car garage with not less than four hundred (400) square feet..

Section 13: BOARD OF ADJUSTMENT.

A. A Board of Adjustment is hereby established.

B. The Board of Adjustment shall consist of five (5) members who are property owners in the City of China Grove, Texas, each to be appointed for a term of two (2) years and removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Any number of the City Council of the City of China Grove may be appointed to said board.

C. Meetings of such board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Secretary and shall be a public record. The concurring vote of four (4) members of the board shall be necessary to reverse any order requirement, decision, or determination of the city building permit officer, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

D. Appeals to the Board of Adjustment may be taken by any person aggrieved or affected by a decision of the City Building Permit Officer. Such appeal shall be taken within a reasonable time 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, and by paying a filing fee of ten dollars (\$10.00) to the City Council at the time the notice is filed which shall be credited to the General Fund of the City of China Grove, Texas. The City Building Permit Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by court of record on application or notice to the officer from whom the appeal is taken and on the cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, given 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 agent or by attorney.

E. 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 the City Building Permit Officer, in the enforcement of this ordinance.

2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or particular hardship, the Board may consider and allow variations of the strict application of the terms of this ordinance if the variations are in harmony with the general purpose and intent of this ordinance, and the Board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created.

3. The Board may authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the time of adoption of this ordinance or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

4. Special Exceptions. When in its judgment the public convenience and welfare shall not be substantially or permanently injured, the Board of Adjustment may in a specific case, after notice and hearing and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations herein established as follows:

a. To permit a transitional use between a business and a dwelling district where the side of a lot in a one family district or a two family district abuts upon a lot zoned for business or industrial purposes as follows:

1. On a lot in a single family dwelling district which sides upon a lot zoned for business purposes, the Board may permit a two family dwelling.

b. Permit the extension of a building or use into a more restricted district, immediately adjacent thereto, but not more than fifty (50) feet beyond the boundary line of the district in which such building or use is authorized.

c. Grant in undeveloped sections of the city temporary and conditional permits for not more than two (2) years. The granting or existence of such temporary or conditional permit shall not be reason or cause for extension of such permit.

d. Permit such modification of yard, open spaces, lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land if such parcel is separately owned at the time of the original passage of this ordinance or subsequent annexation of the city and is of such restricted area that it cannot be appropriately improved without such modifications.

e. To determine in cases of uncertainty the classification of any use not specifically named in this ordinance.

f. 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 divided a lot in a single ownership at the time of the adoption of this ordinance.

g. To permit as an accessory use a parking area for passenger automobiles on a lot or lots in a single family, duplex, or apartment house district adjoining or across a street of not more than fifty (50) feet in width from an "Class-1" or "Class-2" District, subject, however to the following provisions:

1. The area shall be properly enclosed with a hedge, screen, fence, wall or other suitable enclosure having a height of not less than three (3) feet nor more than six (6) feet. Such fence or enclosure shall conform to the front yard regulations of the district in which it is located.
2. The area shall be paved.
3. No parking of vehicles shall be permitted, within six (6) feet of any adjoining lot on which is located a single family residence, duplex or multiple dwelling.
4. One sign, not exceeding two and one-half (2.5) square feet in area, may be erected identifying the lot.
5. No charges may be made for parking and no other business use may be made of the lot.
6. Any light used to illuminate said parking area shall be so arranged as to direct the light away from any adjoining premises used for residential purposes.

h. Permit the reconstruction of a building occupied by a non-conforming use, or permit the extension of a non-conforming use of a building upon the lot occupied by such use or building at the time of the passage of this ordinance.

i. In any instance where a variance is sought to build or add to a structure to a height greater than 35 feet or 2 stories, the Board of Adjustment shall have the additional power of including, but is not limited to, requiring the installation of an automatic fire extinguishing (water) system in the structure .

5. All variances or appeals granted by the Board of Adjustment shall lapse and be of no further force or effect, unless the construction authorized by said variance or appeal was granted by the Board of Adjustment.

6. A variance or appeal granted by the Board of Adjustment may not be assigned by the applicant without the prior written approval of the Board of Adjustment after a public hearing. The Board of Adjustment is not required to approve the assignment.

F. In exercising the above mentioned powers such Board may reverse, or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

G. In considering all appeals and all proposed variations to this ordinance the Board shall, before making any finding, in a specific case, first determine that the proposed variation shall not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals of the City of China Grove, Texas, or constitute any enlargement of the uses applying to the property affected as herein provided.

Section 14: CHANGES AND AMENDMENTS.

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

Section 15: ENFORCEMENT AND PENALTY FOR VIOLATION

A. It shall be the duty of the City Council to enforce the provisions of this ordinance, and to refuse to issue any permit for any building, or for use of any premises, which would violate any of the provisions of said ordinance.

B. In case any building is erected, constructed, re-constructed, altered, repaired, or converted or any building or land is used in violation of this ordinance, the City Attorney is authorized and directed to institute any appropriate action to put an end to any such violation.

C. Any person or corporation who shall violate any of 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 in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than two hundred dollars (\$200.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided.

Section 16: INTERPRETATION, PURPOSE AND CONFLICT.

A. In interpreting and applying the provisions of this ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties, except that, if this ordinance imposes a greater restriction, this ordinance shall control.

Section 17: VALIDITY.

A. If any section, paragraph, sub-division, 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 provision thereof other than the part so decided to be invalid or unconstitutional

B. City of China Grove ordinance numbers 600804-1, 600804-2, 600804-3, 610601, 640305, 640507, 640604, 690615, 690804, 771203, 800306, and, 850404 are hereby repealed.

Section 18: WHEN EFFECTIVE.

A. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED by the CITY COUNCIL OF CHINA GROVE, TEXAS at a meeting open to the public this the 11th day of July, 1996, after public notice of the time, place, and purpose of said meeting was given and posted as required by law.

ZONING ORDINANCE 960711 PASSED AND APPROVED ON THE 11th DAY OF July,
1996. PUBLIC NOTICE OF TIME, PLACE, AND PURPOSE WAS PUBLISHED AND POSTED AS
REQUIRED BY LAW.



MAC S. MORRIS, JR
MAYOR

ATTEST 

SUSAN CONAWAY
CITY SECRETARY