

Sec. 1. - Use regulation.

In the class "G," retail 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 [designed] 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.

Commercial amusement.

Commercial college.

Exterminating company.

Filling station.

Film printing and developing.

Florist.

Furniture.

Greenhouse or nursery.

Health massage and reducing schools.

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.

Provided, however, that no bowling alley, recreation building (commercial) or skating rink shall not [sic] be less than 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 alleys, recreation building (commercial) and skating rink be less than 300 feet from any residential district unless approved by the board of adjustment and authorized by the city commission. Such approval and authorization shall be evidenced by a special conditional permit issued after such approval 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) Editor's note—Number (3) was omitted from the original.
- (4) Editor's note—Number (4) was omitted from the original.
- (5) 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 Devine, not less than six feet high or otherwise screened from view by shrubs or a hedge.
- (6) Signs: Any use permitted in previous districts will be permitted in class "G" district, except that no nonoperator owned, outdoor display or advertising sign, ground or elevated, shall be permitted in this district.

## Sec. 2. - Height regulations.

No building shall exceed 75 feet in height unless set back from all street lines one foot for each two feet of its height beginning above 75 feet to a maximum of ten feet of setback.

## Sec. 3. - Area regulations.

### (1) *Front yard.*

- (a) Where all 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 residential or apartment use, there shall be a side yard on all sides, five 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 ten feet depth.

### (4) *Lot area.*

- (a) For exclusively residential or apartment use, the minimum lot area shall be 9,000 square feet. 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 60 feet; 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 Devine 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.

## ARTICLE 10. - CLASS H COMMERCIAL BUSINESS DISTRICT

### Sec. 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 [designed] 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 upholstering.

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.

Secondhand 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.

Woodworking 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 Devine, not less than six feet high or otherwise screened from view by shrubs or a hedge.

## Sec. 2. - Height regulations.

No building shall exceed 75 feet in height unless set back from all street lines one foot for each two feet of its height beginning about 75 feet, to a maximum ten feet of setback.

## Sec. 3. - Area regulations.

- (1) *Front yard.* There shall be a front yard having a minimum depth of not less than 20 feet for residential use and providing, where all the frontage on one 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 feet wide, except that a side yard adjacent to a side street shall not be less than ten 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 ten feet depth.
- (4) *Lot area.*
  - (a) For exclusively residential or apartment use, the minimum lot area shall be 9,000 square feet. 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 60 feet. For commercial building use, there is no width restriction.
- (6) *Depth of lot.*
  - (a) The minimum depth of the lot shall be as set out, or may be set out, by the city planning commission of the City of Devine for the district in which the lot is located, except for Class "H," in which no depth requirements are imposed for commercial uses.