

absent.

The Mayor declared the ordinance finally passed.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed against Harris & Harris for the years 1929 through 1940, on personal property in the City of Austin, Travis County, Texas, said taxes being for the sum of \$110.11, and for the non-payment of same at maturity, penalty in the sum of \$5.50 has been assessed, and interest in the sum of \$42.66 has accrued thereon; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$5.50 and five-sixths (5/6ths) of the interest in the amount of \$35.55; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$5.50 and five-sixths (5/6ths) of the interest in the amount of \$35.55 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$5.50 and five-sixths (5/6ths) of the interest in the amount of \$35.55 off his rolls, and to issue to the party entitled to receive same, a receipt in full upon the payment of said taxes and one-sixth (1/6th) of the interest, as aforesaid.

Upon motion, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Upon motion, seconded and carried, the meeting was recessed, at 11:55 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:
Harris M. Keenan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 10, 1941.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, July 10, 1941, at 10:35 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none.

The Minutes of the regular meeting of July 3, 1941, were read, and upon motion of Councilman Wolf, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

A committee from the Trades Council came before the City Council and requested permission for a parade and the use of Zilker Park, including the riding ring for their rodeo performances, on Labor Day. It was the sense of the meeting that the request be granted, and the matter was referred to the City Manager and the Chief of Police to work out the details regarding the rodeo.

The following ordinance was introduced by Councilman Wolf:

AN ORDINANCE CLOSING AND VACATING CERTAIN PORTIONS OF A CERTAIN AREA FORMERLY USED AS A PORTION OF THE OLD SAN ANTONIO ROAD, THE EAST LINE OF WHICH ROAD LIES WEST OF THE WEST LINE OF SOUTH CONGRESS AVENUE; AND RELINQUISHING THE CONTROL BY THE CITY OF AUSTIN OF SAME; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

The Mayor called up for adoption, the following resolution, which was introduced at the regular meeting on June 19th and laid over for public inspection:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT rules and regulations for the operation of Austin Memorial Park Cemetery, title to which was acquired by the City of Austin from Austin Memorial Park, a corporation, by warranty deed dated May 27, 1941, are hereby adopted and promulgated in accordance with the draft of such rules and regulations attached to this Resolution and made a part of it for all purposes:

" RULES AND REGULATIONS FOR THE OPERATION
OF
AUSTIN MEMORIAL PARK CEMETERY

.....

ARTICLE I.

Preface

All lots in Austin Memorial Park are conveyed to the purchaser by warranty deed when paid for, but the rights of the purchaser therein are subject to such rules and regulations as may be made, from time to time, by the City Council of the City of Austin. Rules and regulations are made for the benefit of the lot owners as a whole and are designed to limit the rights of the owners only insofar as such limitation is for the benefit of all. If rules and regulations were not made, the exercise by certain lot owners of what seem to them their proper rights would interfere with the rights of others. It is not the purpose of the City to interfere any more than absolutely necessary with the rights of its patrons, but the rules and regulations herein contained have been found essential for the protection of the rights of all, and no rule has been adopted except as experience has shown it necessary to the preservation of the rights of the lot owners for whom the City considers itself a trustee.

These rules and regulations may be changed or amended at any time by the City Council of the City of Austin and will be so changed and amended when any existing rule is found to be detrimental to the best interest of the lot owners as a whole, or when new conditions compel the adoption of other or further regulations.

ARTICLE II.

Perpetual Maintenance

(1) The City Council of the City of Austin and their successors shall cause the Memorial Park Cemetery, its grounds, lots, and road-ways to be perpetually maintained at the expense of the City of Austin.

(2) The prices of lots include all charges for grading and care in accordance with the rules and regulations laid down by the City Council.

ARTICLE III.

Duties of City Sexton

(1) He shall have charge of and superintend the Memorial Park Cemetery grounds and shall direct the activities of employees of the City under his charge. He shall keep duplicate records of all lots sold so that the same can at any time be found and properly identified. He shall carefully preserve all maps and charts of the grounds and shall be charged with the duty of enforcing these rules and regulations.

(2) The Sexton, who is also in charge of the grounds and resides at the cemetery, shall see that proper attendants are present at every interment. The Sexton must at all times be posted and ready to give intelligent information about all the interments in the cemetery.

(3) It shall be the duty of the Sexton and his assistant to take proper care of the records and all necessary maps, or copies thereof, showing lot and space ownership, and interments in the cemetery. It shall also be his duty to keep in the ground and preserve in place all corner lot stakes or stone replacements thereof as far as they have been staked out, and, under the direction of the City Manager, to plant avenues, road and reservations at such times as may be required with ornamental, deciduous and evergreen trees and shrubbery, in accordance with the general design map which exhibits thereon the suitable locations for same. All such shrubs and trees so planted shall be planted and grown so that they will harmonize with one another and so they can be pruned to prevent obstruction of the roadways.

(4) It shall be the duty of the Sexton, under the direction of the City Manager, to carry out and enforce the rules and regulations of the planting of any shrubbery, dwarf shrubbery, and trees upon the lot owners' lots, particularly in regard to the planting of same on the line which divides any two lots, and keeping the same to the prescribed distance from the front line of the lots.

ARTICLE IV

Rules and Regulations Governing Grounds

(1) It shall be the duty of the City Manager from time to time to lay out, close or alter such avenues and walks as may be necessary, and to make such rules and regulations for the government of the grounds as he may deem requisite or proper to promote the effective use of the cemetery.

(2) The public will be allowed access to the grounds at all reasonable times, observing the rules which are or may be adopted for the regulations of visitors. Loud talking and boisterous conduct during the progress of burial services in the grounds, thereby disturbing the solemnity of the proceedings, is deemed irreverent and unseemly, and is expressly prohibited. Undertakers of the funerals will be expected to cooperate with the Sexton in seeing that this rule is strictly enforced.

ARTICLE V.

Rules and Regulations Governing Lot Ownership

Lot owners and owners of rights of interment in lots shall not allow interments to be made in their lots for remuneration, nor shall any transfer or assignment of any lot, or of any interest

therein, be valid without the consent in writing of the City Manager of the City of Austin. Any transfer of ownership, either to a whole lot or any portion thereof, may be made only with the written consent of the City Manager.

ARTICLE VI.

Rules and Regulations Governing Interment and Disinterment

(1) An order in writing to the City Sexton may be required of the lot owner whenever a grave is to be opened.

(2) No interment will be permitted in the cemetery without the proper certificate, as required by law.

(3) In making request for interment, the coffin or case, if of unusual size, must be particularly mentioned; and when interment is to be made in private lots, the exact location of the grave should be stated.

(4) A request for interment must be made at the Sexton's office as follows: When interment is to be made before one o'clock P. M., the request must be made before three o'clock P. M. on the previous day; when to be made after one o'clock P. M., the request must be made by nine o'clock A. M. of the same day.

(5) No disinterment shall be allowed except after compliance with the provisions of Articles 928a and 928b of Vernon's Revised Civil Statutes 1925, as amended in 1934, and after such compliance, disinterment shall not be made except at the direction of the Sexton, upon the approval of the City Manager, and upon the written order of the owner or owners of the lot or of rights of interment therein, if any, and in no case shall disinterment be made except by the cemetery authorities.

(6) In case of disinterment from single graves, for removal of remains out of the cemetery, or for reinterment in other lots, no allowance will be made for the grave vacated, but a relinquishment to the City shall be required before an order is issued for disinterment. When single graves are vacated by disinterment with the view of reintering in a higher priced grave or lot, the price originally paid for such grave shall be allowed in part payment for the new purchase, the usual charge for disintering and reintering to be made in both the above cases.

ARTICLE VII.

Rules and Regulations Governing Lot Uses and Improvements

(1) No vault shall be built entirely or partially above the ground without the permission of the City Manager, and all of such vault must be furnished with shelves, allowing interments to be made and perpetually sealed; and all monuments and all parts of vaults above ground shall be of marble, bronze, cement, granite or other cut stone.

(2) All lot enclosures of every kind whatsoever are prohibited.

(3) All corner posts shall be set flush with the lawn.

(4) No shrubbery, dwarf shrubbery, or trees shall be planted within four (4) feet of the front lot lines on any lot. If any trees or shrubs situated on any lot shall by their roots or branches become detrimental to adjacent lots or avenues, or unsightly, or inconvenient to passengers, it shall be the duty of the City Manager, or his agents, and they shall reserve the right, to enter the said lot and remove the said trees and shrubs, or such parts thereof, as they shall determine to be detrimental, unsightly or inconvenient.

(5) If any monument, effigy, or any structure whatever, or any inscription be placed in or upon any lot which shall be determined by the City Manager to be offensive or improper, or injurious to the appearance of surrounding lots or grounds, he shall have the right, and it shall be his duty, to

enter upon such lot and remove the said offensive or improper object.

(6) No sign indicating that a lot or vault is "For Sale" will be permitted on the grounds.

(7) No metallic urns, monuments, grave marks or anything of any shape in metal, will be permitted upon the lots in the cemetery, except pure bronze statuary or stone, cement or cement pedestals. In the latter case, the plans must be first submitted to the Sexton for approval.

(8) To prevent the excessive and unsightly crowding of tombstones, not more than one monument, gravestone or marker, exceeding six (6) inches in height above the surface of the ground shall be permitted in an entire six grave lot, and no such monument, gravestone or marker shall be permitted on any lot of less than six grave spaces.

(9) The headstones for graves, or any structure used to mark a grave, must not exceed six (6) inches in height above the surface of the ground and they must not be less than six (6) inches, nor more than fifteen (15) inches thick and must not exceed thirty (30) inches in width, and must be set in concrete under the Sexton's direction. Exceptions can only be granted on extra fine works of art, and by special permission of the City Manager. No steps to lots will be permitted. Stone slabs will not be permitted, either erect or reclining. All stones, concrete and marble work, monuments and headstones, must be accepted by the Sexton as being in conformity with the foregoing rules before taken into the cemetery.

(10) Mounds over graves shall be prohibited.

(11) Lot owners may have planting or other work done on their lots at their own expense, upon application to the Sexton, but any flowers or shrubbery so planted shall be watered by the lot owner. Lot owners shall not attempt to water the grass on their lots or elsewhere. No workmen, without permission of the Sexton, will be admitted in the cemetery. No iron or wire work and no seats or vases will be allowed upon the lots. "

Upon motion of Councilman Wolf, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Alford:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in TOWNES LANE from a point 201 feet east of Keating Lane easterly 135 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Townes Lane.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(2) A gas main in MOFFETT DRIVE from a point 109 feet south of Windsor Road southerly 57 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Moffett Drive.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(3) A gas main in ATLANTA STREET from a point 210 feet south of Lake Austin Boulevard southerly 190 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Atlanta Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(4) A gas main in JACKSON AVENUE across West 34th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Jackson Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WEST 34TH STREET from Jackson Avenue easterly 100 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said West 34th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the grounds as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that the application of Mrs. A. E. Seymour, 709 Norwalk Lane, for a license to operate a taxicab be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report of the Board of Adjustment was received:

"Austin, Texas
July 9, 1941

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on June 30, 1941, which is hereby respectfully submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. and Mrs. Charles W. Kluge, Louise Culbertson Spencer, W. J. Culbertson, and E. R. Spencer requesting a change in the Use designation of the following property:

The vacant lot facing 60 feet on West 19th Street between Pearl and San Gabriel Streets and all that property facing 191 feet on San Gabriel Street between West 19th and West 18th Streets owned by Mr. and Mrs. Charles W. Kluge and all that property at the corner of Pearl and 18th Streets belonging to W. J. Culbertson and Louise Culbertson Spencer located in Block 15, Division "E", City of Austin,

from "A" Residence District and First Height and Area District to "B" Residence District and First Height and Area District; and

WHEREAS, on June 30, 1941, the Board of Adjustment held a public hearing on the petition, at which hearing a large number of protests against this change were registered by adjacent property owners; and

WHEREAS, the Board of Adjustment carefully considered all the arguments for this change, has viewed the property, and has considered this change in the light of existing conditions in this neighborhood, the present zoning of the surrounding property, the trend of development with respect to commercial expansion, the present and future traffic conditions at this location, and otherwise in the light of fundamental zoning principles; and

WHEREAS, the Board of Adjustment deemed that no public necessity or convenience has been shown to justify this change; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council for the following reasons:

1. That this application is based solely on consideration of financial gain in the disposal or rental of the property and not pursuant to any general public demand or trend of development or any comprehensive zoning plan.

2. That higher courts have repeatedly held that mere personal financial gain through changes in the classification of property does not lay a predicate for amendments to the zoning ordinances involving changes of Districts and zoning maps.

3. That the zoning maps of the City of Austin show this entire block and all property west and south thereof to be zoned as the Residence "A" District, while the property north and east thereof all is zoned as "B" Residence District, but an examination of the present development of this property discloses the fact that all of the improvements now on this block conform to Residence "A" requirements, and all the improvements on the present "B" Residence District also conform to "A" Residence District requirements, which also holds for all the property south and west of the block in question; in other words, all present developments on this block and surrounding this block are residence "A" developments.

4. That the mere fact that the property north and east of the block in question is now zoned as "B" Residence District does not of itself justify the extension of the "B" Residence District because zoning districts must have boundaries and, under the terms of the Ordinances, streets and alleys are definite boundary lines.

5. That since all of this property both within the block and surrounding the block is preponderantly developed as a Residence "A" District, and during the past several years a number of expensive homes have been built south of this block on West 15th Street by the property owners who relied upon the present zoning classification as insuring the Residence "A" character of this property, it is deemed that the present classification is correct and in conformity with the actual trend of development and should be maintained.

6. That the general protests of so large a number of property owners whose interest will be seriously affected by this change should be respected and seriously considered, and the interest of the many compared with the interest of the petitioners, which comparison would indicate that the greater interest of the large number of property owners should be protected.

7. That the proposed change of the classification of this property would tend to create a greater traffic congestion, the parking of cars on the present narrow streets, and the creation of additional noise which would disturb the present quiet and tranquility of this neighborhood.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman.

The foregoing report was read and ordered filed.

The following report of the Board of Adjustment was received:

" Austin, Texas
June 10, 1941

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on June 10, 1941, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin has been administering the Zoning Ordinance of the City of Austin since its passage on April 23, 1931, and has at a meeting held on June 10, 1941, carefully considered the final terms of a comprehensive revision of the Zoning Ordinance, after careful study of recently adopted ordinances in other cities and a number of conferences with the City Attorney; and

WHEREAS, during the long period of hearing appeals from the strict enforcement of the terms of the Zoning Ordinance and the granting of numerous variations thereto, the Board has found that the Ordinance in many instances is not sufficiently clear, definite, and explicit in its definitions, terms, and the wording of its regulations, and that it is now highly desirable to amend the ordinance to clarify such ambiguous, indefinite, and conflicting portions thereof; and

WHEREAS, the experience of the Board has also indicated the desirability of changing certain provisions of the Ordinance which have been found to be difficult of application, in conflict with justice and fairness, and difficult of enforcement, and to bring the Ordinance in harmony with the growth and changed conditions within the corporate limits of the City of Austin; and

WHEREAS, the Board has also found it desirable to amend the zoning maps of the City of Austin in order to properly correlate them to the amended text of the Ordinance and to correct certain errors in the maps and to bring it up to date and in harmony with the present trends of urban development in the City of Austin; and

WHEREAS, the Board deems that by the passage of the amendments herein recommended and

the adoption of the revised zoning maps, the Ordinance will become more equitable, fair and just, and will cause its enforcement and application to be less difficult and render the work of the Building Inspector and the Board of Adjustment less onerous and less subject to controversy and possible litigation; and

WHEREAS, the amendments proposed by the Board of Adjustment, both with respect to the text of the Ordinance and the zoning maps, are so comprehensive and numerous that it is deemed advisable to incorporate them in a re-draft of the Ordinance and the zoning maps; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

THAT it be, and is hereby, recommended that the amended ordinance and zoning maps accompanying this resolution be adopted and reenacted by the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne
Chairman. "

In accordance with published notice, the Mayor announced the hearing open on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in the following particulars:

(1) By defining the terms Apartment Hotel, Community Center, Semi-Public Parking Area, Public Parking Area, Restaurant or Cafe, Servants' Quarters, Trailer Camp, Tourist Camp, Used Car Sales Area and Used Car Junk Area.

(2) By adding "C-1" Commercial District to the list of Use Districts.

(3) Providing that not more than one building shall be placed on one lot except as otherwise provided in the ordinance.

(4) Substituting the words "tilling of the soil" for the word "farming" in the list of uses permitted in "A" Residence District.

(5) By amending in certain particulars the accessory uses permitted in "A" Residence and "B" Residence Districts, and especially amending such accessory uses by placing certain regulations on the keeping of fowls and livestock in residence districts.

(6) By permitting bottling works, manufacturing non-alcoholic drinks, to be located in "C" Commercial District but not in community centers, and by adding certain uses to the list of uses prohibited.

(7) Adding to the "C-2" Commercial District certain uses, including uses permitted in "C" Commercial and "C-1" Commercial Districts.

(8) Adding a section to the ordinance reading as follows:

"Section 6-B 'C-1' Commercial District: That in "C-1" Commercial District no building or land, except as otherwise provided in this Ordinance, may be used for any use prohibited or permitted in the "C-2" Commercial District, or for any use prohibited in "D" Industrial District, and "E" Heavy Industrial District, except the following uses:

1. All uses permitted in a "C" Commercial District.

2. The sale, dispensing and otherwise handling of beer and wine as defined by State law, to be sold in bottles or any other lawful container direct to the consumer, for consumption on or off the premises, but not for re-sale, only by a person having a (1) Retail Dealer's On-Premise License, or a (2) Wine and Beer Retailer's Permit, lawfully issued from the State of Texas, which permit holder also holds a lawful supplementary license authorizing said person to sell such beverages during any and all of the day as prescribed in Section 10 (a), Article II of the "Texas Liquor Control Act," provided that the land or building is used at said location as a restaurant or cafe as defined in Section 2 hereof, and that where food or refreshments are served on the premises, outside of the building, a solid fence, dense hedge, or other opaque barrier not less than six (6) feet high to within ten (10) feet of any street line or more than three (3) feet high for the remaining ten (10) feet to the street line, is placed on the property lines where the premises abut or adjoin a Residence "A" or Residence "B" District, or any land improved and used for residential purposes; and further provided that no facilities are provided for any loud speaker or amplifier for broadcasting or playing on the outside of the building any instrumental music, songs, or speech. "

(9) By rewriting Section 8 regarding "E" Heavy Industrial Districts and prescribing standards by which certain industries may be located in "E" Heavy Industrial Districts with approval of the Zoning Board of Adjustment.

(10) By prescribing certain regulations for signs in "C-1" Commercial Districts.

(11) By prescribing a limitation period for certain non-conforming uses.

(12) By amending that part of Sections 12, 13 and 14 dealing with rear yard and side yard restrictions, and among other things prescribing that the minimum side yard in residence districts shall be five (5) feet instead of three (3) feet.

(13) By amending Section 16 so as to include "C-1" Commercial District in the paragraphs regulating 2nd and 3rd Height and Area Districts.

(14) By amending Section 23 as to certificates of occupancy for restaurants and cafes and for all non-conforming uses.

(15) By amending Section 25, sub-paragraph 2, to read as follows:

"2. To hear and decide special exceptions to the terms of this ordinance establishing districts or zones, but in harmony with the general purpose and intent of the Ordinance and in accordance with the following general or specific rules:

(a) Where a use district boundary line divides a lot of record in a single ownership at the time of the passage of this Ordinance, the Board may permit a use authorized on either portion of such lot to extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district in which such use is authorized.

(b) A temporary and conditional permit may be allowed for a maximum period of two (2) years for exceptions to or variances from the Use District regulation of this Ordinance, where fully justified by the conditions and circumstances affecting the permit, to prevent unnecessary hardship and unjust discrimination, and to promote the general welfare of the community; and such permit or any renewal thereof may be extended from the date of expiration for an additional period not to exceed two (2) years on the same grounds on which the original permit was granted. The granting of temporary and conditional permits shall be confined by the Board, insofar as practicable, to undeveloped sections of the City.

(c) Provisions of this Ordinance may be interpreted by the Board in such way as to carry out the intent and purpose of the plan as shown upon the maps fixing the several districts, accompanying and made a part of this Ordinance where the street lay-out on the ground actually varies from the street lay-out on such maps.

(d) The Board may permit in any district such modification of the requirements of the district regulation as the Board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two or more sides there are lots occupied by buildings which do not conform to these regulations.

(e) The Board may permit a transitional use between "A" Residence District and "B" Residence District where the side of a lot in the "A" Residence District abuts upon a lot zoned for "B" Residence purpose as follows:

On a lot in "A" Residence District which abuts upon a lot zoned for "B" Residence purposes, the Board may permit an apartment house for the accommodation of not to exceed four (4) families. "

(16) By amending Section 26 to prescribe a ninety-day limit in which compliance with an order or permit of the Board of Adjustment may be begun.

(17) By amending Section 30 to provide that no amendment, supplement, change or repeal which has been rejected by both the City Council and the Board of Adjustment shall be considered again before the expiration of one year.

(18) The Use District Map of the City of Austin and the Height and Area District Map will be revised to show the new "C-1" Commercial District and other district amendments in accordance with maps to accompany the amendatory ordinance, and otherwise revised to agree with the amendments included in this notice and to be incorporated in the comprehensive amendatory ordinance.

Mr. M. H. Crockett appeared and asked that his property facing Lamar Boulevard, extending from the rear of his property on Barton Springs Road that is included in the proposed "C-1" Commercial District north to Butler Street be also included in the proposed "C-1" Commercial District. It was the sense of the meeting that this request be granted.

The written protest of S. F. Tadlock against the exclusion of his property lying on the west side of South Congress Avenue from the proposed "C-1" Commercial District on South Congress Avenue was received. It was the sense of the meeting that the agreement, heretofore made with the property owners at the time the right-of-way on South Congress Avenue was acquired, that no beer would be allowed there, should be adhered to, and the request be not granted.

No other property owners or interested persons requesting to be heard, the hearing was thereupon closed, and the following ordinance was thereupon introduced by Councilman Wolf:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I" AT PAGES 301-315 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ENACTING A COMPREHENSIVE REVISION, IMPROVEMENT, AND AMENDMENT OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The foregoing ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and laid over.

A committee from the Chamber of Commerce, with Messrs. Patterson and Dornberger as spokesmen, came before the Council and submitted a proposal for certain improvements at Barton Springs, including the widening of the bridge across Barton Creek and the building of a new bath house. Following the discussion, the Mayor advised the committee that the City Council has under consideration the building of a new bath house at Barton Springs this winter if funds for same are available.

The City Manager submitted to the Council the following communication received from the Superintendent of Schools:

"Austin, Texas
July 9, 1941.

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Mr. Morgan:

This letter is in response to your inquiry of several days ago.

The State per capita apportionment has been set at \$22.50 again next year. The scholastic census for Austin is slightly decreased; but it is anticipated that some increase will be made by the City Council in the property valuations, which will offset the loss of income from the State.

The School Board does not wish to ask for an increase in the tax rate unless it is necessary; and is endeavoring to arrange the budget without any increase in the local tax rate in spite of the decrease from the State fund.

Therefore, the School Board requests the City Council to set the school tax rate for the next school year at 62¢ on the \$100 valuation of property - the same as for the past school year.

Yours very truly,

(Signed) A. N. McCallum
Superintendent
of Schools.

The foregoing communication was received and ordered filed.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE TENTATIVELY FIXING AND LEVYING MUNICIPAL TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1941.

The foregoing ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the ordinance had been finally passed.

It was moved by Councilman Alford that the application of Clyde Bradshaw, 907 Willow Street, for a taxicab driver's permit be granted, subject to revocation should the said Clyde Bradshaw be convicted of any traffic violation within the next six months. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 11:45 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Walter M. Miller
City Clerk