

ORDINANCE NO. 2010-26

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, GRANTING A SPECIFIC USE PERMIT FOR THE CONSTRUCTION OF A CROSS AT HWY. 64 WEST, CANTON, TEXAS, IN GENERAL BUSINESS DISTRICT (B-2); REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Canton and the City Council of the City of Canton, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds that a special use permit should be granted and that the Zoning Ordinance should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS:

SECTION 1.

That the Zoning Ordinance of the City of Canton, Texas, as heretofore amended, be, and the same is hereby amended to reflect a Specific Use Permit has been granted for the construction of a 100 foot tall cross on the property located on Highway 64 West at Nichols Street, Canton, Texas, currently owned by Lakeside Baptist Church. The monument shall comply with all sections of the 1985 Zoning Ordinance as amended, including Section 15-13B Monuments, Statues and other Similar Landscaping Features and Section 16 Parking Regulations, as well as with the following provisions:

- No fewer than five off-street parking spaces shall be provided for viewers who can reasonably be expected to visit the site. Additional off-street parking must be provided as needed to prevent on-street parking or traffic safety hazards.
- A waiver of the concrete parking lot standard is temporarily granted, provided the parking spaces are clearly distinguished as such and not located so that a portion of a public street is required for maneuvering into or out of the parking space. Parking must be improved to meet all pavement and marking standards at the time any additional improvements are made to the property.
- Monument lighting must be positioned so as not to disturb neighboring property owners.

SECTION 2. VIOLATION AND PENALTY

Any violation of the 1985 Zoning Ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of the 1985 Zoning Ordinance shall be a fine not to exceed Two Hundred (\$200.00) Dollars.

SECTION 3. REPEAL OF CONFLICTING ORDINANCE

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

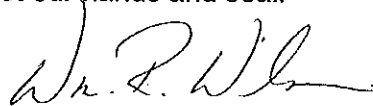
SECTION 4. SEVERABILITY CLAUSE

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 5. EFFECTIVE DATE

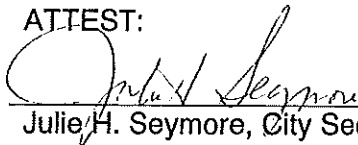
That this ordinance shall take effect immediately from and after its passage and the publication of the chapter as the law in such cases provide.

PASSED by a majority vote of the City Council of Canton, Texas, on this the 16th day of November, 2010, to attest which we hereunto set our hands and seal.



William R. Wilson, Mayor

ATTEST:



Julie H. Seymore, City Secretary