

ORDINANCE NO. 2016-13

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, TO AMEND THE ALLOWED USES AND OTHER ATTRIBUTES OF FIRST MONDAY BUSINESS (FMB); 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 THOUSAND DOLLARS (\$2000.00) 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 notice by publication; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds the 1985 Zoning Ordinance should be amended;

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

SECTION 1. AMENDMENT

ARTICLE 13. FIRST MONDAY BUSINESS DISTRICT (FMB)

Sec. 13-1. PURPOSE.

The intent of this district is to provide for areas that are designed for commercial flea market needs that appeal to a wider regional interest than those found in a traditional business district. The provisions of this district are intended to encourage the selling or trading of all types and kinds of legal merchandise to the general public; to encourage such facilities to locate on land that is physically capable of supporting this type and kind of commercial activity, to minimize traffic congestion on public streets by requiring such commercial activity to abut upon streets functionally classified or arterial where public facilities and services are existing or within plans for improvement; and to minimize any adverse public health effects by specifically designating a location where live animals shall only be sold or traded.

SEC. 13-2. HOURS OF OPERATION

First Monday Business is defined as the Thursday through Sunday the weekend before the first Monday of every month.

1. Set-Up / Tear-Down - Vendor set-up of business during First Monday shall be from the Monday before First Monday through the Sunday of First Monday. The tear-down shall be completed, and all vendors shall be off the premises, by the Tuesday following First Monday.
2. Sales - The dates for the actual sale of merchandise shall be from Thursday to Sunday of First Monday operations.

Sec. 13-3. PERMITTED USES BY RIGHT

1. First Monday Business Area #1 (FMB-A1)
 - a. Retail and commercial vendors including but not limited to antiques, painting, sculpture, clothing, craftwork and others of similar nature, excluding animal vendors.
 - b. Food Vendors
 - c. Parking Facilities
 - d. Temporary RV Rental Spaces (temporary is defined as no more than ten days during a calendar month);
 - e. Special Events – temporary events (including, but not limited to, car shows, dog shows, concerts, chili cook-offs, etc.) may be held on the grounds – not to exceed seven continuous days. All applicable permits must be obtained from the City of Canton for special events.
2. First Monday Business Area #2 (FMB-A2)
 - a. Retail and commercial vendors including but not limited to antiques, painting, sculpture, clothing craftwork, animal and others of similar nature.
 - b. Food Vendors
 - c. Parking Facilities
 - d. Temporary RV Rental Spaces (temporary is defined as no more than ten days during a calendar month);
 - e. Special Events – temporary events (including, but not limited to car shows, dog shows, concerts, chili cook-offs, etc.) may be held on the grounds – not to exceed seven continuous days. All applicable permits must be obtained from the City of Canton for special events

Sec. 13-4. PERMITTED USES BY SPECIFIC USE PERMIT

1. First Monday Business Area #1 (FMB-A1)
 - a. Monument, statue, and/or other similar landscape feature
2. First Monday Business Area #2 (FMB-A2)
 - a. Monument, statue, and/or other similar landscape feature

Sec. 13-5. PERMITTED USES WITH CITY REGISTRATION

1. First Monday Business Area #1 (FMB-A1)
 - a. First Monday Overnight Accommodation
2. First Monday Business Area #2 (FMB-A2)
 - a. First Monday Overnight Accommodation

First Monday Accommodation Registrations may be obtained from the City offices for any buildings in First Monday Zoning districts which can accommodate overnight stay. The cost of the registration is \$10.00 for each building and shall remain valid for a 12-month period from the date of issuance. No registration will be issued without an inspection of the property and approval from both the City of Canton fire official and building official.

The registration is not transferable upon the sale or transfer of ownership of the building. Each transfer of the building will require issuance of a new registration.

Before registration is granted, all buildings must meet the required minimum fire and building safety standards. Anyone renting an overnight accommodation is subject to all applicable hotel/motel tax regulations.

Property owners of the land on which the overnight accommodations are located may apply rules regarding the use of their property which are more restrictive (but not less restrictive) than those set out in the First Monday Business District zoning.

Each building which has been issued a First Monday Accommodation registration must be addressed with four-inch fluorescent orange numbers on the front of the building. A strobe light shall be installed outside which can be initiated by an alarm inside the building to assist first responders in locating the building in case of an emergency.

Sec. 13-6. USES NOT ALLOWED

First Monday Business zoning (FMB-1 or FMB-2) is not intended for permanent residences or for long-term stays (*i.e.*, over ten continuous days or over ten days in a calendar month) of any kind. The RV stay must be in conjunction with a particular special event or First Monday.

Sec. 13-7. DIMENSIONAL REQUIREMENTS.

All vendor spaces and/or structures shall be located and constructed in accordance with all applicable city, state and federal regulations, as well as to the following requirements:

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|-------------------------------|----------|
| 1. Minimum market area | 10 acres |
| 2. Minimum structure setbacks | |
| a. Front | 25 feet |
| b. Side, street | 25 feet |

- | | |
|--|----------------|
| c. Side, interior | 15 feet |
| d. Rear | 25 feet |
| 3. Maximum building height of structures | 35 feet |
| 4. Maximum lot coverage | No limitations |

Sec. 13-8. OTHER REGULATIONS.

1. Site plan approval process;
2. Flood hazard areas;
3. Permanent restroom facilities shall be constructed at the following ratios:
 - a. 4 female units per vendor acre; and
 - b. 2 male units per vendor acre.

SECTION 2. REGULATIONS

Each business shall meet all other City of Canton ordinances and all, state and federal codes.

SECTION 3. VIOLATION AND PENALTY

Any person, firm or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of \$2000.00 for each offense, together with associated costs for prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 4. 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 5. 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 affect 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 6. EFFECTIVE DATE

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

PASSED by a majority vote of the City Council of Canton, Texas, on this the 18th day of October, 2016, to attest which we hereunto set our hands and seal.


Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary

