

ORDINANCE NO. 2006-18

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 FIRST MONDAY BUSINESS (FMB) TO ALLOW CONSTRUCTION OF AN OPEN PAVILION IN GENERAL BUSINESS DISTRICT (B-2) AT 1455 TRADE DAYS BOULEVARD, CANTON, TEXAS; 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 by granting a specific use permit for a First Monday Business on the property described as 1455 South Trade Days Boulevard, Canton, Texas, which is currently zoned General Business District (B-2).

SECTION 2. That the property described may be used only for the purposes and under the special conditions as follows:

- a. that an open-sided pavilion may be constructed on the parking lot in the upper north corner of the lot beside the present location of Canton Marketplace;
- b. that the setback from Highway 19 be greater than or equal to the existing Century 21 building adjacent to this property;
- c. that the color of the roof of the pavilion match the color of the existing Canton Marketplace building;
- d. that a 20' fire lane be located on the south side of the pavilion;
- e. that the owner be allowed to hold a maximum of 18 events per year in the pavilion, 12 of those events being during First Monday weekend and the six special events are limited to no more than 5 consecutive days; and
- f. that the owner request and receive from the City of Canton a permit for the special events at least 15 days prior to the event.

SECTION 3. VIOLATION AND PENALTY

Any violation of this 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 this Ordinance shall be a fine not to exceed Two Hundred and no/100 (\$200.00) Dollars.

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.

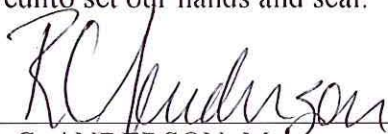
SECTION 5. SEVERABILITY CLAUSE

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 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 6. 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 19th day of September, 2006, to attest which we hereunto set our hands and seal.



R. C. ANDERSON, Mayor

ATTEST:



JULIE H. SEYMORE, City Secretary