

ORDINANCE NO. 2012 - 04

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM "RA" RURAL AGRICULTURAL TO "B-1" LOCAL BUSINESS DISTRICT, AND GRANTING A SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY ON THAT APPROXIMATELY FOUR ACRES OF LAND (TWO 2-ACRE TRACTS) SITUATED IN J. DOUTHIT SURVEY, A-198, ON SOUTH TRADE DAYS BOULEVARD, CANTON, TEXAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; 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 zoning change should be granted and that the Zoning Ordinance and Map should be amended;

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

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

SECTION 1. That the Zoning Ordinance and Map of the City of Canton, Texas, as heretofore amended, be and the same are hereby, amended by changing the property owned by Sylvia Barbee, et al, which is approximately four acres (in two 2-acre tracts) situated in the J. Douthit Survey, A-198, located on South Trade Days Boulevard, Canton, Texas, from "RA" Rural Agricultural to "B-1" Local Business District zoning classification (see attached plat).

SECTION 2. That a Specific Use Permit is hereby granted to allow an assisted living facility on the property described, subject to the following special conditions:

- a. That the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. That all other regulations of the "B-1" Local Business District Zoning shall apply.

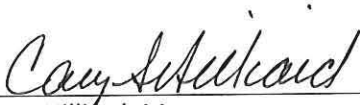
SECTION 3. That any provisions of the ordinances of the City of Canton in conflict with the provisions of this ordinance or the Zoning Ordinance and Map, as amended hereby, be, and the same are hereby, repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance or the Comprehensive Plan, as amended hereby be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Plan as a whole, or any part or provision thereof, other than the part decided to be invalid, illegal or unconstitutional.

SECTION 5. 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 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide.

DULY PASSED by the City Council of the City of Canton, Texas, on the 21st day of February, 2012.



Cary S. Hilliard, Mayor

ATTEST:



Julie H. Seymore, City Secretary

