

ORDINANCE NO. 2014-08

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 IN A GENERAL BUSINESS DISTRICT (B-2) TO ALLOW CONSTRUCTION OF A MONOPOLE WIRELESS TELECOMMUNICATIONS TOWER FOR MULTIPLE USERS AT 1503 N. TRADE DAYS BLVD., 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 & 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 specific 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 the construction of a monopole telecommunications tower to be used for wireless transmissions on the property described as 1503 N. Trade Days Blvd., Canton, Texas, which is currently zoned General Business District (B-2).

SECTION 2.

That the property described may be used only the purposes and under the specific conditions as follows:

- a. That the tower be protected with a fence or other climb guard between six and eight feet tall;
- b. That the tower be no more than the one hundred feet requested; and
- c. That the tower be limited to a telecommunications tower for multiple users, as requested by the applicant.

- d. That St. Charles Tower obtain any necessary FAA license or approval prior to construction of the tower.

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.

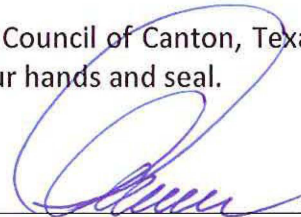
SECTION 5. SEVERABILITY CLAUSE

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 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

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

PASSED by a majority vote of the City Council of Canton, Texas, on this the 17th day of June, 2014, to attest which we hereunto set our hands and seal.



Richard W. Lawrence, Mayor

ATTEST:


Debra Johnson, City Secretary