

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE CITY OF CANTON ZONING ORDINANCE (ORD. NO. 2023-7), AS PREVIOUSLY AMENDED, BY: (1) AMENDING REGULATIONS FOR ACCESSORY DWELLING UNITS (“ADU”S); (2) PROVIDING REGULATIONS FOR FOOD TRUCK PARKS; (3) AMENDING SPECIFIC USE PERMIT (“SUP”) REGULATIONS FOR B-2 (GENERAL BUSINESS DISTRICT) ZONING; (4) AMENDING PARKING REGULATIONS FOR RESIDENTIAL DISTRICTS; (5) AMENDING FENCE REPAIR REGULATIONS; AND (6) AMENDING THE PERMITTED USE CHART FOR RA, R-1, R-2, R-3, GATEWAY, and B-2 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF UP TO \$2,000 FOR VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATES HEREOF.

WHEREAS, the City Council of the City of Canton approved Ordinance 2023-7 (the City of Canton Zoning Ordinance) on May 16, 2023; and

WHEREAS, the City of Canton staff finds it appropriate to review the Zoning Ordinance annually and recommend any updates or amendments thereto; and

WHEREAS, the Planning and Zoning Commission and City Council have reviewed, refined, and approved the proposed amendments; and

WHEREAS, the Planning and Zoning Commission and City Council conducted public hearings on August 12, 2024, and August 20, 2024, respectively, in which notice of the meetings was given in accordance with the Texas Open Meetings Act, and all persons were given the opportunity to review proposed amendments and present verbal and written testimony; and

WHEREAS, the City Council of the City of Canton finds it is in the best interest of the public health, safety, and welfare to adopt these amendments to the City of Canton Zoning Ordinance.

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

SECTION 1: That the recitals set forth above are found to be true and correct and are incorporated herein as if set forth in their entirety.

SECTION 2: That the Zoning Ordinance which is attached hereto and incorporated herein for all purposes, showing the amendments thereto, is hereby adopted by the City Council, and this Ordinance shall henceforth constitute the Zoning Ordinance of the City of Canton, Texas.

SECTION 3: If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 4: It shall be unlawful for any person, firm, or corporation to violate any part of this Ordinance, and upon conviction of such violation, shall be fined any sum not exceeding two thousand dollars (\$2,000.00) and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of Canton to enjoin any violation of threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation thereof.

SECTION 5: The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of Canton and shall become effective upon such publication.

DULY PASSED AND APPROVED by the City Council of the City of Canton on this the 20th day of August, 2024.

APPROVED:



Lou Ann Everett, Mayor

ATTEST:



Bristol Lewis, City Secretary



CITY OF CANTON

ZONING ORDINANCE

Ordinance No. 2024-11

Amending the 2023-7 Zoning Ordinance

Adopted August 20, 2024

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ARTICLE 1 - Authority

SECTION 1.1 - Title, Map Adopted

This ordinance shall be known as the “Zoning Ordinance for the City of Canton, Texas” and may be referred to herein as “this Ordinance”. The zoning map herein referred to is identified by the title, “Zoning Map of the City of Canton, Texas”, which, together with all amendments thereto made from time to time, is hereby adopted and made a part of this Ordinance.

Under the laws of the State of Texas authority is conferred upon the City of Canton to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, morals, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code.

SECTION 1.2 - Purpose

The purpose of this Ordinance is to establish regulations and districts in accordance with the comprehensive plan in order to foster planned, quality growth, to protect the health, safety, welfare and property of the public, and to encourage economic opportunity within the city limits of Canton. These regulations have been designed to assist in the implementation of the goals and objectives of the comprehensive plan and to:

- A. Lessen congestion in the streets;
- B. Minimize flooding and secure safety from fire, panic and other dangers;
- C. Promote health and general welfare;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land and undue concentration of population density;
- F. Facilitate the adequate provision of transportation, water, sewers, schools, and parks, and other public requirements; and
- G. Provide standards for the development of all land in the City.

SECTION 1.3 - Rules of Construction of Language

For the purpose of the administration and enforcement of this ordinance, and unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this Ordinance:

- A. In case of any difference of meaning or implications between the text of this Ordinance and any caption, illustration, summary table or illustrative table, the text shall control.
- B. The word “he” or “his” shall refer to a person of either gender.
- C. The word “SHALL” is always mandatory and not discretionary.
- D. The word “MAY” is permissive.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- F. The phrase “USED FOR” includes ‘ARRANGED FOR,’ “DESIGNED FOR,” “MAINTAINED FOR,” PROVIDED FOR,” or ‘OCCUPIED FOR.’

- G. The word “PERSON” includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction “AND,” “OR,” or “EITHER/OR,” the conjunction shall be interpreted as follows:
 - 1. “AND” indicates that all the connected items, conditions, provisions or events shall apply;
 - 2. “OR” indicates the connected items, conditions, provisions, or events may apply singly or in any combination;
 - 3. “EITHER...OR” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. The word “INCLUDES” shall not limit a term to the specified examples but is intended to extend its meaning to all instances or circumstances of like kind or character.

SECTION 1.4 - Pre-existing Regulations

The City adopts Chapter 245 of the Texas Local Government Code by reference, including any future amendments to Chapter 245 that the Texas Legislature adopts, and declares Chapter 245 a part of this Ordinance as fully as if the Chapter was incorporated into this Ordinance in its entirety. In an application required under this Ordinance, an applicant shall identify the preexisting regulations relied upon or the factual information demonstrating that the applicant’s project was in progress and not dormant. Should Chapter 245 be repealed by the Texas Legislature, this Section remains in effect for one year from the date of such repeal. During such time, the City Council may take action it deems appropriate to provide that an application or project in progress may continue.

SECTION 1.5 - Severability

Should any article, section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

SECTION 1.6 - Conflicting Ordinances

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or any other City ordinance or regulation, the provision of this ordinance shall control. Whenever any provision of any State or Federal statute or other City ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such State or Federal statute or other City ordinance or regulation shall control.

SECTION 1.7 - Enforcement and Penalty for Violation

1.7.1 - COMPLIANCE REQUIRED

- A. No person may use, occupy, or develop land, buildings, or other structures, or authorize or permit the use, occupancy, or development of land, buildings, or other structures under the control of the person except in accordance with all applicable provisions of this Ordinance. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
- B. The owner of any building or land, or part thereof, where anything in violation of this Ordinance is placed or used, and any architect, builder, contractor, agent, or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, shall each be deemed guilty of a violation of this Ordinance.

- C. The City shall not issue a Building Permit or Certificate of Occupancy required by this Ordinance for any land located within the jurisdiction of the City to which this Ordinance applies, until and unless there is compliance with this Ordinance.
- D. The City shall not connect City water, sewer or electricity to any property to which the provisions of this Ordinance apply, unless and until there is compliance with the provisions of this Ordinance.

1.7.2 - PENALTY

- A. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the City of Canton shall be guilty of a misdemeanor and upon conviction shall be fined with the maximum fine in the amount of two thousand dollars (\$2,000) for a violation of any provision governing the public health, safety, morals and welfare.
- B. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- C. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the extraterritorial jurisdiction of the City, outside the corporate limits, shall not be guilty of a misdemeanor; however, the City may institute any appropriate action or proceeding in the District Court to enjoin the violation of this Ordinance.
- D. The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction may be exercised in enforcing this Ordinance whether or not there has been a criminal complaint filed.

SECTION 1.8 - Effective Date

This Ordinance was adopted on August 20, 2024, and became effective as the Zoning Ordinance of the City of Canton, Texas on August 29, 2024.

Article 2 - Administration

SECTION 2.1 - Purpose and Intent

No building or structure hereafter shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this Ordinance. This Article describes the organization and roles of review bodies under this Ordinance.

SECTION 2.2 - Prior Approvals

Nothing in this Ordinance shall be deemed to require any change to the plans, plats, lots or buildings that was previously approved prior to the effective date of this Ordinance, unless allowed by law. Any approved required plan, site plan, or unfiled plat shall be deemed expired two (2) years from the date on which the required plan or plat was originally approved if no progress has been made toward completion of the project, in accordance with Chapter 245 of the Local Government Code.

SECTION 2.3 - Official Zoning Map

The Official Zoning Map of the City of Canton shall be kept in the office of the City Secretary and one copy shall be maintained in the office of the Building Official. It shall be the duty of the City Secretary to keep the Official Zoning Map of the City of Canton in the office of the City Secretary and the copy in the office of the Building Official current in accordance with the provisions of this Section.

- A. The City Secretary, upon the adoption of this Ordinance, shall affix a certificate identifying the zoning map maintained in the office of the City Secretary as the Official Zoning Map of the City of Canton. The City Secretary shall likewise officially identify the copy directed to be kept in the office of the Building Official.
- B. If, in accordance with the provisions of this Ordinance and Section 211.006 of the Texas Local Government Code, changes are made in the district boundaries or other matter portrayed on the zoning map, such changes shall be entered on the official zoning map located in the office of the City Secretary and on the copy maintained in the office of the Building Official, within thirty business days after the amendment has been approved by the City Council and signed by the Mayor. Each change shall be identified on the map with the date and number of the ordinance making the change.
- C. No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 3.1 of this Ordinance.
- D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the City Secretary, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city. The official zoning map shall be available to the public at all hours when the city hall is open to the public.
- E. Any and all copies, either printed or electronic format, shall clearly state they are copies of the original zoning map on file in the City Secretary's office and have a "current as of" date as to when the copy was produced.

SECTION 2.4 - City Council

2.4.1 - POWERS AND DUTIES

In addition to any authority granted to the City Council by state law, or other City Ordinance, the City Council may:

- A. Adopt, make modifications to, and implement the comprehensive plan and supporting studies;
- B. Amend, supplement, or change the regulations established in this Ordinance;
- C. Amend, supplement, or change the zoning district boundaries;
- D. Annex land into the corporate limits of the City according to Texas Local Government Code Chapter 43, as amended.
- E. Establish fees for processing development applications, zoning verification letters, zoning maps, or other applications required by this Article.
- F. Grant, deny, or impose conditions for a Specific Use Permit consistent with the purposes stated in Section 3.2.
- G. Appoint and remove members of the Planning and Zoning Commission, and Board of Adjustment.

SECTION 2.5 - Planning and Zoning Commission

2.5.1 - ESTABLISHMENT

The Planning and Zoning Commission is established in accordance with the provisions of Chapter 211 of the Local Government Code.

2.5.2 - POWERS AND DUTIES

In addition to any authority granted to the Planning and Zoning Commission by state law, or other Ordinances of the City, the Planning and Zoning Commission shall have the power and duty to hold public hearings and make recommendations in the form of a final report to the City Council and prior to any consideration by the City Council on the following shall:

- A. Make recommendations to the City Council about adoption, modification, and implementation of the Comprehensive Plan, Thoroughfare Master Plan, other adopted plans and supporting studies;
- B. Make recommendations to the City Council concerning amendments to this Ordinance and the creation or modification of zoning districts;
- C. Make recommendations to the City Council concerning the rezoning of land and approval of certain applications specified in this Ordinance;
- D. Consider and report to the City Council about new public ways, lands, buildings, bridges, thoroughfare extensions, or street openings and their relation to the comprehensive plan;
- E. Conduct related business and make other recommendations on matters that are specifically requested, assigned, or required by the City Council or Administrative Official.

2.5.3 - MEMBERSHIP AND APPOINTMENT

A. Membership

The Planning and Zoning Commission shall consist of five (5) members and one (1) alternate. Each member shall reside in the City of Canton, Texas, and shall have qualifications as determined by the City Council. All members shall serve without pay and until their successor is duly appointed and qualified.

B. Appointment and Removal

The City Council shall appoint the Planning and Zoning Commission. Each of the seats for the Planning and Zoning Commission shall serve at the will and pleasure of the City Council and may be removed by the City Council.

C. Each Commissioner shall be appointed for a two-(2) year term and may be reappointed by the Council for additional terms. Expiration of terms shall be staggered so that an overlapping of terms occurs, such as in any two-year period, the terms of three (3) members shall expire during one of those years, and the terms of two (2) members and one (1) alternate shall expire during the second year. Terms of office shall expire on the last day of May of any given year.

D. Officers

The members of the Planning and Zoning Commission shall organize and elect their own officers at the first regular meeting in June and each officer shall serve for a period of one (1) year or until that officer's successor is elected.

1. Chair. The Chair shall preside at all meetings when he or she is present and shall implement any practice or procedure in the calling of meetings, conduct of meetings, or reporting of activities, that the chairperson considers in the best interest of the commission and shall inform or consult with the city council when requested.
2. Vice Chair. The Vice Chair shall assist the Chair in directing the affairs of the commission and shall preside in the absence of the Chair.
3. The City Secretary shall serve as Secretary to the Commission and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the Council.

E. Vacancies

The City Council shall fill any vacancies for the unexpired term. The appointment procedure for vacancies is the same as for an original appointment.

2.5.4 - MEETINGS, HEARINGS AND PROCEDURES

- A. The Planning and Zoning Commission may establish its own rules and procedures and conduct such meetings as may be required to fulfill its responsibilities. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- B. The Planning and Zoning Commission shall meet monthly in the City Hall or other specified location at such times as may be designated by the Chair and at regular intervals as designated by the Council or as may be necessary to transact the business of the Planning and Zoning Commission in a proper and orderly manner.
- C. Public hearing by the Planning and Zoning Commission. For zoning and rezoning requests involving real property or for amendments to this ordinance, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application or amendment,

as required in Texas Local Government Code Section 211.006, as amended. The Planning and Zoning Commission shall make an individual recommendation as required to the City Council. A regulation or boundary amendment is not effective until after

1. A public hearing on the matter has been held by the Commission and
2. A public hearing on the matter has been held by the City Council, at which parties in interest and citizens have an opportunity to be heard.

D. Joint Public Hearing

The City Council may not hold a public hearing until it receives the final recommendation of the Planning and Zoning Commission unless the City Council determines to hold a public hearing jointly with the Planning and Zoning Commission, after giving the notice described in Paragraph F. below. In either case, the City Council may not take action on the matter until it receives the final recommendation of the Planning and Zoning Commission.

E. Notice of Public Hearing by the Planning and Zoning Commission

Before holding a public hearing on a proposed change in property classification, the Commission must give notice of the public hearing as provided for in the Local Government Code. At least ten (10) calendar days before the hearing date, the City shall provide written notice of the public hearing to each owner of real property, as indicated by the most recently certified tax roll, that is located within the area of application and within two hundred feet (200) of the boundary of the property on which the change in classification is proposed. The City may serve this notice by depositing it in the U.S. Mail, at a location within the City, properly addressed with postage paid. If the property within two hundred (200) feet of the property on which the change is proposed is located in a territory annexed to the City, and is not included in the most recently approved municipal tax roll, the notice shall be given by newspaper as provided in Paragraph F. below. The address for the owners of such properties shown by the most recent County tax appraisal records shall be sufficient for the purpose of giving notice. If written notice as required is not sent before the tenth (10th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. The Planning and Zoning Commission must give this notice regardless of whether it is holding its own public hearing or holding a public hearing jointly with the City Council.

F. Newspaper Notice of Public Hearing

The City Council must provide notice before holding a public hearing on a matter related to a zoning regulation or zoning district boundary, before the fifteenth (15th) day before the date of the public hearing the notice of the time and place of the public hearing must be published in a newspaper of general circulation in the City. This notice must be given regardless of whether the City Council holds its own public hearing or holds a public hearing jointly with the Planning and Zoning Commission. Such notice must also be given in connection with a public hearing held by the Planning and Zoning Commission, only if there is newly annexed property within two hundred (200) foot of the property on which the change is proposed, in accordance with SECTION 211.007(c) TLGC.

G. When a supermajority vote by City Council is required.

1. A simple majority vote of the City Council is required for the City Council to approve or reject a proposed change in a zoning regulation, the zoning map or a zoning district, except as provided below.
2. If a proposed change to a regulation or boundary is protested as described below, the proposed change must receive, in order to take effect, the affirmative vote of at least

three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least twenty (20%) percent of either:

- a. the area of the lots or land covered by the proposed change; or
- b. the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

In computing the percentage of land area, the area of streets and alleys shall be included. The City Secretary may establish procedures for verifying that the written protest meets the requirements of this Section.

3. The affirmative vote of at least three-fourths of all of the members of the City Council is required to overrule a recommendation of the Commission that a proposed change to a regulation or boundary be denied.

SECTION 2.6 - Administrative Official

2.6.1 – ESTABLISHMENT OF ADMINISTRATIVE OFFICIAL

- A. The provisions of this Ordinance shall be administered and enforced by the Building Official of the City of Canton.
- B. The Building Official or any duly authorized person shall have the right to enter upon any building or lot at any reasonable time for the purpose of making inspections necessary to carry out his duties in the enforcement of this Ordinance.
- C. Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Official may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official to proceed with the work. The Building Official may in the performance of his functions and duties under the provision of this Ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Ordinance.
- D. Existing permits and private agreements.
 1. This Ordinance is not intended to abrogate or annul:
 - a. Any permits issued before the effective date of this Ordinance.
 - b. Any easement, covenant or any other private agreement.

SECTION 2.7 - Board of Adjustment

2.7.1 – ESTABLISHMENT

A Board of Adjustment is established in accordance with the provisions of Chapter 211 of the Local Government Code.

2.7.2 – BOARD ACTION

- A. The Board of Adjustment may:
 1. Hear and decide an appeal in accordance with Section 3.5 that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of state law regarding zoning or this Ordinance;
 2. Authorize in specific cases a variance from the terms of a Zoning Ordinance in accordance with Section 3.4 if the variance is not contrary to the public interest and,

- due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done;
3. Hear and grant Special Exceptions, but only as specifically provided for in Section 3.6 and this Ordinance when the provisions of this Ordinance require the Board of Adjustment to do so.
 4. Grant a change in use from one nonconforming use to another in accordance with Section 4.1 under certain conditions,
 5. Approve the remodeling or enlargement of a nonconforming use in accordance with Section 4.1 under certain conditions,
 6. Authorize the rebuilding of a nonconforming structure in accordance with Section 4.1 after damage or destruction resulting in the loss of more than fifty-one (51) percent of the replacement cost.
 7. Hear and decide other matters authorized by an Ordinance adopted under state law.
- B. In exercising its authority under Subsection A.1 and Section 3.5, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board of Adjustment has the same authority as the administrative official
- C. The concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to:
1. Reverse an order, requirement, decision, or determination of an administrative official;
 2. Decide in favor of an applicant on a matter on which the Board of Adjustment is required to pass under this Zoning Ordinance; or
 3. Authorize a variation from the terms of this Zoning Ordinance.
- D. Limitation on the Board's Authority. The Board of Adjustment is not authorized to:
1. Grant a variance authorizing a use other than those permitted in the district for which the variance is sought;
 2. Grant or modify specific use permits authorized under this Ordinance;
 3. Grant a zoning amendment;
 4. Hear or grant any request for a variance with respect to the property for which a zoning amendment is pending before the Planning and Zoning Commission or the City Council, until final disposition of the zoning amendment;
 5. Hear or grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to a hearing by the Board of Adjustment; and
 6. Authorize the changes to nonconforming uses except as specifically provided for in this ordinance.

2.7.3 - MEMBERSHIP

A. Appointment and Term

1. For the purposes of this Section, except as otherwise indicated, the terms “member” and “alternate” are synonymous.
2. The Board shall consist of five (5) citizens of Canton and one (1) alternate member, each to be appointed or re-appointed by the City Council. An alternate member may serve in the absence of a regular member when asked to do so by the Mayor or City Manager or a designee of either. Regular Board members and alternate members shall serve for a term of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs, such as in any two-year period, the terms of three (3) members shall expire during one of those years, and the terms of two (2) members and the alternate shall expire during the second year. Terms of office shall expire on the last day of May of any given year.

B. Removal

1. Each member of the Board shall be removable for just cause by the City Council upon written charge and after a public hearing, by a simple majority vote of the City Council. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless the absences were excused by the chairperson due to unusual circumstances beyond the member’s control such as sickness of the member or someone within the member’s immediate family. Cause may also include incompetency, corruption, misconduct, or malfeasance in office.
2. Vacancies shall be filled by a simple majority vote of the City Council for the unexpired term.

2.7.4 - PROCEEDINGS

A. Chair of the Board and Vice-Chair

1. The Board shall elect its own Chair, who shall serve for a period of one (1) year or until a successor is elected. The Chair shall preside at all meetings at which he is present and shall inform or consult with the City Council when required.
2. The Board shall elect a Vice Chair who shall assist the Chair in directing the affairs of the Board and who shall preside in the absence of the Chair.
3. The City Secretary shall serve as Secretary to the Board and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the Council.

B. Meetings

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. Meetings shall be held in the City Hall or other specified location at such times as may be designated by the Chair and at such intervals as may be necessary to transact the business of the Board in a proper and orderly manner. The Chair or Vice Chair acting as Chair may administer oaths and compel the attendance of witnesses. Meetings must be conducted in compliance with the Texas Open Meetings Act (Chapter 551 of the Texas Government Code.)

C. Hearings

Each case before the Board for an appeal from an administrative decision or request for a variance or change in nonconforming use must be heard by at least four (4) members, which

may include one alternate members. The person making the appeal or request may appear in person, or by an agent or by an attorney. Notice of the hearing must be given as provided in this Subsection. The hearings of the Board of Adjustment shall be open to the public. However, the Board may retire into executive (closed) session as provided by law.

D. Notice of Hearings

The City must give written notice of a hearing at least ten (10) days prior to the hearing date, by mailing notice of the hearing to the person making the appeal or request and to each owner, as indicated by the most recently approved municipal tax role, of real property within two hundred (200) feet of the property which is the subject of the appeal or request for a variance. Depositing of such written notice in the U.S. mail within the City, properly addressed and with postage prepaid, shall be deemed sufficient service of the notice. The address for the owners of such properties shown by the most recent County tax appraisal records shall be sufficient for the purpose of giving notice.

E. Decisions of the Board

The Board shall make its decision upon a resolution. The concurring vote of at least four (4) members of the Board is required in order to:

1. Reverse an order, requirement, decision or determination of an administrative official;
2. Authorize a variance from the terms of a zoning ordinance; or
3. Approve a change in a nonconforming use.

F. Records of Proceedings

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or the fact that a member is absent or fails to vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

G. Rules and Regulations

The Board shall adopt by majority vote from time to time such rules and regulations as it may deem necessary regarding the calling and conduct of meetings, and to carry into effect the provisions of this Ordinance. It shall furnish a copy of the same to the City Secretary. The rules and regulations shall be utilized uniformly in all cases.

Article 3 – Processes and Procedures

SECTION 3.1 - Zoning Processes

3.1.1. - INITIATION OF ZONING AMENDMENTS AND CHANGES

The City Council may, from time to time, amend, supplement, or change by Ordinance, the text of this Ordinance, the zoning district boundaries of the Official Zoning Map or the zoning district classification of property whenever the public necessity, convenience, general welfare or good zoning practice requires.

Any such amendment may be initiated by:

- A. City Council on its own motion;
- B. Recommendation by the Planning and Zoning Commission to the City Council;
- C. Petition of the owner(s), contract purchaser with the owner's written consent or the owner's agent with owner's written consent, of the property which is the subject of the proposed amendment.
- D. Any person may petition the City Council for a change or amendment to the provisions of the Ordinance. The City Council will need to decide whether to initiate such zoning change or amendment, in accordance with notification provisions of this ordinance.

3.1.2 - REQUIREMENTS FOR ZONING AMENDMENT APPLICATION

- A. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the proposed revisions to the Planning and Zoning Commission for its recommendations and report.
- B. The Planning and Zoning Commission shall hold a public hearing on any request for any amendment, supplement or change prior to making its recommendation and report to the City Council, as provided in Section 2.5.4.
- C. Written notice of all public hearings before the Planning and Zoning Commission on any proposed amendment, supplement, or change to a zoning classification shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested, as provided in Section 2.5.4.
- D. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one time in a paper of general circulation in the City of Canton as described in Section 2.5.4.

3.1.3 - LIMITATION ON RESUBMISSION OF PETITION

Rezoning requests which have been heard and decided by the Council of the City of Canton may not be re-filed with the city for twelve (12) months after the date of such decision by the Council, absent a significant change in circumstances. The City Manager will determine whether the change in circumstances is significant enough to allow a rezoning request to be resubmitted. Appeal of his decision shall be to the City Council.

SECTION 3.2 - Specific Use Permits

3.2.1 - PURPOSE

A specific use permit (SUP) is intended to provide flexibility by allowing certain types of uses in areas where special conditions may need to be considered to reduce the adverse effects on adjacent or surrounding properties. A SUP may be authorized for a specific site for an additional land use when such use is determined that the use meets the intent of the district in which it is located, and will not be detrimental to the health, safety, and welfare of the surrounding property or its occupants, not be substantially injurious to the surrounding properties.

3.2.2 - GENERALLY

A specific use permit shall constitute an amendment to this Zoning Ordinance and shall be processed according to the procedures and notification requirements established for all amendments to this Ordinance. Specific use permits will be issued to the site being considered and be subject to any time limitations imposed by the City Council during the approval process.

3.2.3 - PROCEDURES

A. Application

The applicant requesting a SUP shall submit a written application and furnish plans and data concerning the operation, location, function and characteristics of any use of the land or building being proposed. All applications for a SUP shall be treated in the same manner as an amendment to this Ordinance as prescribed in Section 3.1.

B. Specific Site Plan Requirements

A site plan shall accompany every application for a specific use permit. Such site plan shall include contents established for site plans in Section 3.3 as required by the Zoning Administrator in accordance with City ordinance and any approved submission requirements and procedures. Such plan, when approved, shall be made a part of the amending ordinance.

C. Public Hearing

After a public hearing conducted by the Planning and Zoning Commission and after receiving a recommendation from the Planning and Zoning Commission, the City Council shall conduct a public hearing to obtain citizen input.

D. Conditions Related to Approval

Each specific use permit application shall be evaluated by the Planning and Zoning Commission and City Council as to its probable effect on the adjacent property and the community welfare and may be approved, approved with conditions or denied as the findings indicate is appropriate. In considering an application for a SUP, the Planning and Zoning Commission shall review the following conditions associated with the proposed operation and may include additional conditions related to these considerations:

1. Setbacks for buildings or structures;
2. Public street access;
3. Drainage;
4. Vehicular traffic, circulation, parking lots or spaces;

5. Screening or buffer zones;
6. Hours of operation;
7. Activities and uses permitted on the property;
8. Building or structure heights;
9. Landscaping;
10. Maximum allowable lot coverage;
11. Pedestrian circulation;
12. Signs;
13. Mitigation of noise, fumes, odors, vibration, or airborne particles;
14. Exterior lighting;
15. Exterior construction materials;
16. Special fire protection measures;
17. Outside storage and display of merchandise;
18. Refuse and waste storage;
19. Lot sizes and dimensions;
20. Accessory buildings;
21. Other conditions or restrictions as shown on the site plan.

The Planning and Zoning Commission may recommend safeguards or conditions of approval to reduce the effect on adjacent or surrounding properties. The City Council may, in the public welfare and to ensure compliance with the intent of this Ordinance, require development standards and safeguards including those recommended by the Planning and Zoning Commission. Applicants and subsequent purchasers, owners, and tenants shall comply with the terms and conditions of the specific use permit for the duration of the specific use. Noncompliance shall be considered a violation of this Ordinance.

3.2.4 - EXPIRATION OF PERMIT

A specific use permit shall lapse if the use has not commenced within two (2) years from the date the permit was issued.

3.2.5 - BUILDING PERMIT COMPLIANCE

No building permit for any structure shall be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the specific use permit. Building permits must be consistent with the site plan and must comply with design standards, policies, and any design criteria deemed necessary to the safety, health, and welfare of the City. An aggrieved party may appeal the decision of the Building Official to the Board of Adjustment in accordance with the provisions of this Ordinance.

3.2.6 - RECORDING SITE PLANS

The Building Official shall maintain a record of all site plans approved for a specific use permit. A list of all approved SUP's and related ordinances shall be kept on file in the office of the City Secretary. The zoning map shall have a designation on properties that have an approved specific use permit.

3.2.7 - SPECIFIC USE PERMIT AMENDMENTS

Changes to any specific use permit or to its approved site plan shall be processed in the same manner as the original approved request. Changes of detail within a site plan that do not alter the basic physical relationship of the property to adjacent property; do not alter the uses permitted; do not increase the density, floor area, height, or reduce the size of the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the Building Official.

SECTION 3.3 - Site Plan

3.3.1 - SITE PLAN APPLICATION

The standards of this Section shall apply to those developments that are in zoning districts that require a site plan and/or compliance with design standards and meet the following thresholds:

- A. Any building containing multifamily dwelling units.
- B. All new non-residential structures.
- C. Any increase in an existing non-residential structure that is greater than twenty-five percent (25%) of the gross floor area of the existing structure.
- D. The conversion of a residential structure to a non-residential structure.
- E. The creation or expansion by more than ten percent (10%) or ten spaces of a parking lot for multi-family or non-residential uses.
- F. A site plan review application is required for any development that is required to submit a site plan under Section 3 or any other section of this ordinance.

3.3.2 - PROCEDURE

- A. All developments requiring a site plan as defined above shall be reviewed by the Zoning Administrator or their designee and any other City Staff which has a role in the enforcement of the design standards required by this Ordinance. Such site plan may be approved administratively by City Staff.
- B. Any process described by this Ordinance such as a Specific Use Permit, or a Planned Development District which requires the submittal of a site plan, shall follow the review and approval process as designated by the requirements of the SUP or Planned Development District. A site plan required by a SUP or PD shall be administratively approved, approved with conditions or denied by the City Council after recommendation from the Planning and Zoning Commission.

3.3.3 - SITE PLAN REQUIREMENTS

The following information may be required for all developments requiring a site plan. It may be submitted in one or several maps and written material, as deemed complete by the Zoning Administrator or their designee.

- A. A site plan containing the following:
 - 1. Project name

2. Vicinity map
3. Scale, no less than one (1) inch equals fifty (50) feet
4. North arrow
5. Date
6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks and bikeways.
7. Lot layout with dimensions for all lot lines.
8. Zoning designations of the proposed development
9. Zoning designations adjacent to the proposed development
10. Location and use of all proposed and existing buildings, fences and structures within the proposed development and within two hundred (200) feet of the proposed development, including any right of way or public utility easements. Indicate which buildings are to remain and which are to be removed.
11. Location and size of all existing and proposed public utilities in and adjacent to the proposed development with the locations shown of:
12. Water lines and diameters
13. Sewers, manholes and cleanouts
14. Storm drains and inlets
15. Electric and gas
16. Telecommunication
17. The proposed location of:
 - a. Connection to the City water system
 - b. Connection to the City sewer system
 - c. The proposed method of drainage of the site
 - d. The proposed method of erosion and sedimentation control
 - e. The extent of clearing and grading
18. Location, size and use of contemplated and existing public areas within the proposed development.
19. Fire hydrants proposed to be located within the site.
20. A topographic map of the site and the area adjacent within two hundred (200) feet at a contour interval of no more than two (2) feet.
21. Location of all parking areas and all parking spaces, ingress and egress on the site, including proposed drive approaches, fire lanes and on-site circulation.

22. Use designations for all areas not covered by buildings, parking or landscaping.
23. Locations of all significant landscape features including, but not limited to, any existing healthy trees greater than six inches and larger, and generally forested areas, and creeks, wetlands, one hundred (100) year floodplains, or ponds existing on the site and fifty (50) feet outside the site boundary. Indicate any planned modifications to a natural feature.
24. A landscape plan showing in detail the location, type and size of the proposed landscaping and plantings as required by Article 8.
25. A tree preservation plan detailing which trees are to be preserved, procedures to protect the trees during development and post construction maintenance plan.
26. The elevations, surface area in square feet, illumination type, height and construction (material and style) and locations of all proposed signs for the development.
27. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the material, color, texture, windows, doors and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet or greater or a comparable scale.
28. Photometric plan of the site.
29. A written summary showing the following:
 - a. For commercial developments:
 - (1) The total area contained in the area proposed to be developed.
 - (2) The area and percentage of the lot covered by structures.
 - (3) The area and percentage of the lot covered by other impervious surfaces.
 - (4) The total number of parking spaces.
 - (5) The total area of all landscaped open space areas.
 - (6) The total area covered by tree canopy at maturity of the trees.
 - b. For residential developments:
 - (1) The total gross area in the development.
 - (2) The number of dwelling units in the development.
 - (3) Area and percentage of lot covered by:
 - (a) Structures
 - (b) Streets, roads and alleys
 - (c) Sidewalks
 - (d) Recreation areas
 - (e) Landscaping

- (f) The total area covered by tree canopy at maturity of the trees
- (g) Parking areas
- (h) Impervious surfaces

3.3.4 - CRITERIA FOR APPROVAL

The following criteria shall be used to approve, approve with conditions or deny a site plan:

- A. All applicable City of Canton ordinances have been met and will be met by the proposed development.
- B. All requirements and conditions imposed in the approval of a Specific Use Permit or Planned Development have been met.
- C. All requirements of the Site Plan Section 3.3 have been met.
- D. That adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity and adequate public facilities for transportation can and will be provided to and through the subject property.

3.3.5 - ADDITIONAL CONDITIONS FOR APPROVAL OF SUP AND PD SITE PLANS

When approving an application for a site plan associated with a Specific Use Permit or Planned Development District, the Planning and Zoning Commission may include any or all of the following conditions if they find it necessary to meet the intent and purpose and the criteria for approval of this Section:

- A. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
- B. Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the standards of this Ordinance.
- C. Require the type and placement of shielding of lights for outdoor circulation and parking.
- D. Require new developments which produce more than 1,000 vehicle trips per day to provide a Traffic Impact Analysis (TIA) to determine traffic mitigation by means of traffic signals, traffic controls and turning islands, landscaping or any other means necessary to insure the viability, safety and integrity of the major street as a through corridor.
- E. Require pedestrian access, separate pedestrian access ways and sidewalks in new developments.

3.3.6 - MINOR AMENDMENTS

Upon request of the applicant, the Zoning Administrator or their designee may authorize minor amendments to a site plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved site plan. For purposes of this provision, a "substantial change" shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, or setback size, decrease the amount of required off-street parking spaces, change types of buildings, setbacks, street access points, or lots, increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The Zoning Administrator or their designee shall make such authorization only in writing and such document shall be placed in the file governing the specific plan.

SECTION 3.4 - Variances

3.4.1 - APPLICABILITY AND LIMITATIONS

In accordance with the provisions of Chapter 211 of the Local Government Code, the Board of Adjustment has the authority to hear and take final action on requests for a variance from the literal terms of the zoning regulations. Matters that may be the subject of variances include but are not limited to height restrictions, setback and other area requirements, or other matters that may require a variance from the literal terms of this Ordinance.

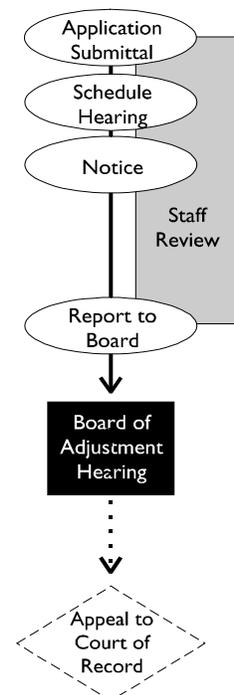
The Board of Adjustment may not grant a variance if the effect of the variance would be to authorize a use other than a use permitted in the district for which the variance is sought, and, therefore, such is not a proper subject matter of a request for a variance.

The Zoning Board of Adjustment may not grant a variance to lot dimension requirements because it is not a proper request for a variance, unless a permit cannot be issued for any use authorized in the applicable zoning district resulting in the property being unusable.

3.4.2 - APPLICATION AND REVIEW PROCESS

- A. The Board of Adjustment may authorize a variance from a zoning ordinance if the variance is not contrary to the public interest, and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. In making its decision, the Board shall take into account the following:
 - 1. The nature of the proposed use of the land involved;
 - 2. Any existing uses of land in the vicinity; and
 - 3. The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

- B. The Board shall consider a request for a variance in a public hearing, for which notice has been given as provided in Section 2.5.4. In order to grant a variance, the Board of Adjustment must make specific, written findings that all of the following conditions have been met:
 - 1. That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of the zoning ordinance would
 - a. deprive the applicant of the reasonable use of the property; and
 - b. create an unnecessary hardship in the development of the property;
 - 2. That such circumstances or conditions are
 - a. not self-imposed;
 - b. not based solely on economic gain or loss; and
 - c. do not generally affect most properties in the vicinity of the property;
 - 3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - 4. The variance, if granted, will not:
 - a. Adversely affect the public health, safety or welfare;



- b. Be contrary to the public interest; and
 - c. Be injurious to or adversely affect the orderly use of other property within the area.
5. The property involved is otherwise in compliance with all other applicable City ordinances, rules, and regulations; and
 6. The granting of the variance will be in harmony with the spirit and purpose of this Ordinance.
 7. An affirmative vote of at least four (4) Board of Adjustment members is required in order to grant a variance.
- C. The applicant bears the burden of proof in establishing the facts justifying a variance.
 - D. If the variance is required in order to construct an improvement, a building permit shall be applied for (if required) and construction initiated within two (2) years after the date of the grant of a variance. If this condition is not met, the variance may be brought back to the Board of Adjustment to reconsider and deny the request. No development right (if any) shall vest in a denied variance.

SECTION 3.5 - Appeal of Administrative Decision

3.5.1 - APPLICABILITY

Pursuant to the authority granted to the City in Section 211 of the Texas Local Government Code, the Board of Adjustment may hear and decide appeals where it is alleged there is error in any final order, requirement, decision or determination made by any administrative official responsible for administration, interpretation, or enforcement of this Ordinance. In exercising its authority under this Section, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board of Adjustment has the same authority as the administrative official. Only determinations relating to administration of zoning laws and the zoning ordinance are proper subjects of an appeal.

3.5.2 - REVIEW PROCESS

A. Appeal from Administrative Decision

1. Authority to hear an appeal. The Board of Adjustment shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance, or in the enforcement of an ordinance adopted under this Ordinance.
2. Who may appeal?

The following persons may appeal a decision made by an administrative official to the Board:

- a. That is not related to a specific application, address or project.
 - (1) A person aggrieved by the decision; or
 - (2) Any officer, department, or board of the City affected by the decision.
- b. That is related to a specific application, address or project
 - (1) A person who:

- (a) Filed the application that is the subject of the decision
 - (b) Is the owner or representative of the owner of the property that is the subject of the decision; or
- (2) Any officer, department, board or bureau of the City affected by the decision
3. Filing of notice of appeal. The appellant must file a written notice of appeal with the Board of Adjustment and the administrative official from whom the appeal is taken specifying the grounds for the appeal. The appeal must be filed within twenty (20) calendar days after the administrative official's decision has been made.
 4. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed unless the Building Official certifies in writing to the Board facts supporting his opinion that a stay would cause imminent peril to life or property, in which case the proceeding shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record after notice to the officer from whom the appeal is taken and on due cause shown.
 5. Decision by Board. The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and make the correct order, requirement, decision or determination, and for that purpose, the Board of Adjustment has the same authority as the administrative official.

SECTION 3.6 - Special Exceptions

A Special Exception is an exception to a requirement of this Ordinance that is specifically allowed for in this Ordinance if certain criteria and/or conditions are met. The Board of Adjustment is authorized to grant Special Exceptions, but only as specifically provided for in this Ordinance and when the provisions of this Ordinance require the Board of Adjustment to do so.

- A. A Special Exception may be granted by the Board to reduce the parking requirement for one or more uses in the following situations:
 1. It can be established through a parking study that a particular use under certain conditions may not require the minimum parking standard in this ordinance.
 2. It can be established that two or more uses applying jointly and concurrently for site plan approval, will be sharing a parking area that may be on a property that is not under the same ownership as one or more of the uses to be served by the parking.
 3. There is a shared parking area that has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement.
 4. All uses have their primary need for parking (shared parking) during offsetting periods so that the parking area will be utilized by only some of the uses at any one time and a parking study determines the parking to be adequate and where the arrangement is documented through a long-term lease or other written agreement.
 5. Proper pedestrian access is provided such that pedestrians can access all uses within an acceptable distance and that such access is provided safely and conveniently to both uses
- B. A Special Exception may be granted by the Board for offsite parking within 600 feet when it is determined that A-4 in this section is met.

- C. A Special Exception to reduce the amount of required landscaping and/or trees for a non-residential use when it finds that the landscaping will not be visible from the right-of-way or should be relocated to a more visible area, or in those situations where it will not benefit the surrounding properties.
- D. Allow alternative fences such as chain link in lieu of screening fences in industrial and other areas where it is determined that the need for security outweighs the need for screening, especially where the screening fence cannot be seen from the right-of-way or residential areas
- E. Allow the encroachment of a carport or garage up to ten feet into a required front or rear yard for structures that do not have an existing garage or carport and due to the footprint of the existing building, there is no room outside of the required yard area for a carport.
- F. Grant other Special Exceptions as listed in Appendix 11.1, Permitted Use Table, when, after review a proposed site plan and any other documents or elevations as needed to ensure the listed use will be in the best interests of the public health, safety and welfare, and impose any conditions needed to protect surrounding properties, neighborhoods and roadways from adverse or detrimental impacts of the use.

SECTION 3.7 - Certificates of Occupancy

- A. Certificates of Occupancy shall be required for any of the following:
 - 1. Occupancy and use of a non-single-family residential building hereafter erected or structurally altered.
 - 2. Change in use of an existing building to a use of a different classification.
 - 3. Change in ownership or tenancy of a building, portion of a building or lease-space.
 - 4. Occupancy and use of vacant land, except agricultural use.
 - 5. Any change in the use of a nonconforming use.
 - 6. No such occupancy, use or change of use or connecting any utilities, shall take place until a Certificate of Occupancy has been issued by the Building Official.
- B. Procedures for new or altered buildings. Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said Certificate shall be issued within three (3) business days after all final inspections have been made of the erection or alteration of such building or part thereof, and such erection or alteration has been found to have been completed in conformity with the provisions of this Chapter.
- C. Procedures for vacant land or change in use. Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to the Building Official. If the Building Official determines that the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within three (3) business days after the application for same has been made.
- D. Procedure for change in ownership or tenancy. In lieu of a business license, the City of Canton uses a change in occupancy process to update its ownership and business files. Written application shall be made to the Building Official prior to occupancy or connection to utilities. Depending upon the age and condition of the building, the Building Official, after consultation with the Fire Marshal and Health Official, may determine that no inspection is

necessary and issue the Certificate of Occupancy. However, the Building Official reserves the right to inspect any facility he deems necessary, especially restaurant and other types of occupancy.

- E. Contents and filing of Certificate of Occupancy. Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with the applicable City building or use requirements. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request as required by the Texas Public Information Act.
- F. Temporary Certificate of Occupancy. Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Official for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or the City relating to the use or occupancy of the premises or any other matter covered by this Chapter.

Article 4 - Nonconformities

SECTION 4.1 - Nonconforming Lots, Uses & Structures

4.1.1 - PURPOSE AND INTENT

It is the purpose of this Section that nonconforming uses and structures shall be eventually discontinued, and the use of such premises shall be required to conform to the regulations prescribed herein having due regard for the investment in such nonconforming use.

Except as hereinafter provided, no nonconforming use of land or building, nor any nonconforming structure shall be enlarged, changed, altered, or repaired, except in conformity with the following regulations.

4.1.2 - RECOGNITION OF NONCONFORMITY

A nonconforming status under the provisions of this Ordinance shall exist under the following circumstances:

A. Pre-existing to Ordinance

A nonconformity shall exist when a use or structure that does not conform to the regulations prescribed for the district in which such use or structure is located was in existence and lawfully constructed, located and operating on the effective date of this Ordinance and has since been in regular and continuous use.

B. Pre-existing at Annexation

A nonconformity shall exist when a use or structure that does not conform to the regulations prescribed in the district in which such use or structure is currently located was in existence and lawfully constructed, located and operated at the time of annexation to the city and has since been in regular and continuous use.

4.1.3 - REGISTRATION OF NONCONFORMING USES

The user or owner of all nonconforming uses of land or buildings may, after the effective date of this Ordinance, register such nonconforming use by obtaining from the city a Certificate of Occupancy (Nonconforming). Such Certificate of Occupancy (Nonconforming) shall be considered as evidence of the legal existence of a nonconforming use as contrasted to an illegal use or violation of this Ordinance. The City shall maintain a register of all certificates of occupancy issued for nonconforming uses. In lieu of such a certificate, a property owner may request that the Building Official, after review of all documentation, determine if a property or building is non-conforming. If he so determines, he may issue a Certificate of Occupancy (Nonconforming). Appeals of his decision shall be to the Board of Adjustments.

4.1.4 - CONTINUATION/TERMINATION OF NONCONFORMING USES/STRUCTURES

It is the intent of this Ordinance that nonconforming uses eventually be discontinued having due regard for the property owner's investment. Conditions that would require nonconforming uses to be terminated are provided below.

A. Remodeling and Enlarging

A nonconforming use of a structure may be occupied, used and maintained in good repair, but it shall not be remodeled or enlarged except as hereinafter provided.

B. A nonconforming structure may continue to be occupied and may be enlarged, repaired, or altered provided such does not create an additional nonconformity or increase the degree of existing nonconformity with respect to maximum building height or minimum yard requirements. No alteration or enlargement shall extend further into the required yard than

the existing nonconforming portion of the building. This provision shall apply separately to each yard requirement with which the existing structure does not comply.

C. Right to Operate

The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:

1. Abandoned Use of Structure

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease, and the use of the premises shall henceforth be in conformance with this Ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use that is discontinued, or that remains vacant, for a period of six (6) months shall be considered abandoned. Criteria and indications used in determining abandonment may include the use moving from the premises, shutting off of utilities or utility payments are delinquent, lack of maintenance, vacancy for the entire period, removal of furnishings and equipment, change of mailing address, and no demonstrated intent to sell the property or structure.

2. If the use of any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this Ordinance (or amendment thereto) is made nonconforming by this Ordinance (or amendment thereto), then such storage use shall cease within 180 calendar days following the effective date of this Ordinance (or amendment thereto). The lot, tract or property shall be cleaned and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or to surrounding property owners.

3. Violation of Provisions

Whenever there is a violation of any of the provisions of this Ordinance or violation of any ordinance of the City with respect to a nonconforming use.

4. Time Limitation

Whenever the time limitation established by a specific use permit has expired.

D. Destroyed or Damaged Structure

Whenever the structure in which a nonconforming use is housed, operated or maintained is destroyed or damaged by fire or other causes to the extent of more than fifty-one (51) percent of the improvement's appraised value, as determined by the County Appraisal District on the date of the damage, the right to operate such nonconforming use shall terminate. If less than fifty percent (50%) of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Board of Adjustments. Nothing in this Ordinance shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the County Appraisal District.

- E. The right of a nonconforming use to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustments, be reasonably required for the protection of adjacent property.

4.1.5 - CHANGING NONCONFORMING USES

Changes from nonconforming uses to conforming uses may be approved administratively; however, changes that do not eliminate nonconforming uses must be approved by the Board of Adjustment and may be authorized only upon the Board of Adjustment's finding that the change conforms to the intent of this Ordinance and is in the public's interest.

- A. Changing to conform. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
- B. Conformance by rezoning. Whenever a nonconforming use is changed to a conforming use by rezoning so as to achieve compliance with the provisions of a new or different zoning district it shall no longer be considered non-conforming.
- C. Granting of change. The Board may grant a change of use from one nonconforming use to another nonconforming use provided such changes are to a use permitted in a zoning district where the original nonconforming use would be permitted or provided that such change is to a use permitted in a more restrictive classification or such use is determined to be less non-conforming in its impacts than the original non-conforming use.
- D. Approval to remodel and/or enlarge. The Board may approve the remodeling and/or enlargement of a nonconforming use or structure if such remodeling or enlargement will improve the condition of the structure, if it will bring the structure closer into compliance with this Ordinance, or if it will improve or otherwise enhance public health, safety, or welfare.

4.1.6 - LIMITATIONS ON CHANGING NONCONFORMING USES

Certain changes to nonconforming uses shall not be authorized by the Board of Adjustment and are identified below.

- A. Changing to another nonconforming use. No nonconforming use shall be changed to another nonconforming use if the new nonconforming use will require more off-street parking or loading spaces than the original nonconforming use unless additional off-street parking or loading spaces are provided so as to comply with the requirements of this Ordinance.
- B. Maintenance of dwelling unit density. The number of dwelling units in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units existing on the effective date of this Ordinance.
- C. Changes occurring off-site. No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this Ordinance except to provide off-street loading or parking spaces upon approval of the board.
- D. Other ordinances. All nonconforming uses being expanded under the provisions of this Section shall comply with all other applicable provisions of this Ordinance.

4.1.7 - RESIDENTIAL NONCONFORMING LOTS

Nonconforming residential lots are lots that were platted and complied with all City ordinances prior to January 1, 1985, but due to subsequent amendments to the zoning ordinance have lot sizes, dimensions and setbacks that are no longer in compliance with City of Canton ordinances.

- A. Non-conforming R-1 Single Family Detached Residential Lots that are determined by the Building Official as meeting the nonconforming lot criteria above and not meeting one or more R-1 lot size, dimension or setback requirements may be authorized to utilize the size,

dimensions and setbacks in the R-2 Single Family Detached Residential District and be considered as meeting the requirements of the zoning ordinance.

- B. Non-conforming R-2 Single Family Detached Residential Lots that are determined by the Building Official as meeting the nonconforming lot criteria above and not meeting one or more R-2 lot size, dimension or setback requirements may be authorized to utilize the size, dimensions and setbacks in the R-3 Single Family Detached Residential District and be considered as meeting the requirements of the zoning ordinance.
- C. Non-conforming R-1 and R-2 Single Family Detached Residential Lots that are determined by the Building Official as meeting the nonconforming lot criteria above and not able to meet one or more of the lot size, dimension or setback requirements in any of the districts listed above, may be authorized to reduce such size, setback or dimension by up to twenty (20%) and be considered as meeting the requirements of the zoning ordinance.
- D. Nonconforming lots that cannot meet one or more lot size, dimension or setback requirements in A, B or C above shall be processed as a variance request by the Board of Adjustments in accordance with this ordinance.
- E. Appeals of the Building Official’s decision shall be reviewed by the Board of Adjustments as a review of an administrative determination or decision.

4.1.8 - TERMINATION OF NONCONFORMING STRUCTURES

The right to use and maintain a nonconforming structure shall cease whenever there is damage or destruction of a nonconforming structure to the extent of more than fifty-one (51) percent of its appraised value in accordance with Sec.4.1.4 C, unless the Board of Adjustment approves the rebuilding of the nonconforming structure after a public hearing and favorable action by an affirmative vote of at least four members of the Board.

4.1.9 - APPROVAL OF A CHANGE IN NONCONFORMING USE

- A. Certificate of Occupancy is required under Section 3.7 for any change in the use of a nonconforming use.
- B. The Board of Adjustment’s approval is required for a change in use of land or a building that does not eliminate nonconforming use, before a Certificate of Occupancy (Nonconforming) may be issued.
- C. The Board may grant a change in use for the following, provided the findings listed in Subsection D. are made:
 - 1. A change in use from one nonconforming use to another nonconforming use provided that such changes are to a use permitted in a zoning district where the original nonconforming use would be permitted, or provided that such change is to a use permitted in a more restrictive classification;
 - 2. The remodeling and/or enlargement of a nonconforming use if such remodeling or enlargement will (i) improve the condition of the structure, (ii) bring the structure closer into compliance with this Ordinance, or (iii) improve or otherwise enhance public health, safety or welfare;
 - 3. The rebuilding of a nonconforming structure after damage or destruction resulting in the loss of more than fifty-one percent of its replacement value.
- D. The Board of Adjustment shall consider a request for a change in use in a public hearing, for which notice has been given as provide in Subsection A. In order to grant a change in use,

the Board of Adjustment must make specific, written findings that the following conditions have been met:

1. The change conforms to the intent of this Ordinance, and
2. Approval of the change is in the public's best interest.

4.1.10 - AMORTIZATION

The City Council may request that the Board of Adjustment establish a compliance date for discontinuance of a nonconformity in accordance with this Section.

In determining whether to initiate an amortization proceeding, the Board of Adjustment may consider the character of the surrounding area, the degree of incompatibility of the nonconformity to the zoning district in which it is located, the effect of the nonconformity on the surrounding area, the effect of cessation of the nonconformity on the area, any other danger or nuisance to the public caused by the nonconformity, and any other factors the Board of Adjustment considers relevant. If the Board of Adjustment determines that there is no public necessity for establishing a compliance date, the Board of Adjustment shall request that the City Council initiate rezoning of the property to bring the nonconformity into compliance with applicable zoning regulations.

Written notice of the hearing shall be mailed to the owner of the use and the owner of the property at least thirty (30) days before the hearing.

The compliance date for discontinuance of a nonconformity shall be prescribed by the Board of Adjustment at a public hearing, after hearing testimony from the owner, the operator, neighboring property owners, community organizations and other interested parties. In prescribing a reasonable amortization period for the nonconformity to give the property owner an opportunity to recover his investment from the time the nonconformity commenced, as allowed by law, the Board of Adjustment shall consider the following factors:

- A. The owner's capital investment in structures, fixed equipment and other assets (excluding the land and any inventory and other assets that may be feasibly transferred to another site) on the property before the time the nonconformity commenced. Any such investment made after the nonconformity commenced shall not be included;
- B. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
- C. Any return on investment since inception of the nonconformity, including net income and depreciation;
- D. The anticipated annual recovery of investment, including net income and depreciation; and
- E. Other costs and expenses attributable to the establishment of a termination date.
- F. If the Board of Adjustment establishes a termination date for a nonconforming use, the nonconforming use must cease operations on that date and the owner may not operate the nonconforming use after that date, unless the nonconforming use becomes conforming.

Article 5 – Permitted Uses

SECTION 5.1 - USE OF STRUCTURES

5.1.1 - USES PERMITTED BY DISTRICT

Land and structures in each of the zoning districts may be used for any of the uses indicated in the City of Canton use tables within the Appendices of Section 11.1. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses as specified herein.

It is recognized that new types of land use will arise in the future and forms of land use not presently in use in the city, or not anticipated, may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the City's zoning ordinance shall be made as follows:

5.1.2 - INTERPRETING NEW AND UNLISTED USES

A new and unlisted use may be interpreted by the Building Official as similar to a listed use. The unlisted use shall possess most characteristics of the listed use; otherwise, the unlisted use must be submitted to the Planning and Zoning Commission and City Council as an amendment to the zoning ordinance. If the unlisted use is deemed similar to a listed use, no amendment of the zoning ordinance is required.

5.1.3 - REGULATING NEW AND UNLISTED USES

A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.

- A. A person requesting the addition of a new or unlisted use shall submit to the Zoning Administrator, or designee, all information necessary for the classification of the use, including but not limited to:
 1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 2. The type of product sold or produced under the use;
 3. Whether the use has enclosed or open storage and the amount and nature of the storage;
 4. Anticipated employment for the use;
 5. Transportation requirements, including approximate mileage, turning radius, or driving time of the expected client or patron base;
 6. The nature and time of occupancy and operation of the premises;
 7. The off-street parking and loading requirements;
 8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
 9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
 10. Impervious surface coverage or anticipated size of building.

- B. The Building Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed.
- C. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
- D. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be added to the City’s zoning ordinance.

5.1.4 - ADDITIONAL PERMITTED, SPECIFIC AND PROHIBITED USES AND RELATED CONDITIONS

The following Section describes additional uses that are allowed within each zoning district as either a use permitted by right or a use permitted only by a Specific Use Permit that has been granted in accordance with Section 3.2.

A. Temporary Uses by Permit

The City Council may allow other uses on properties within zoning districts on a temporary basis in accordance with the City’s ordinances, including a carnival, circus, concert or other types of activities.

B. Manufactured Homes and Mobile Homes under the following conditions:

1. No person shall park, store or use a manufactured home on any lot other than in a licensed manufactured home park district within the corporate limits of the City of Canton, except as provided for in this section.
2. A manufactured home may be used as a temporary office or shelter incidental to construction or development of premises on which the manufactured home is located, only during the time construction or development is actively underway.
3. Manufactured home sales establishments, excluding the use of manufactured homes as living units, shall be permitted in the “B-2” or “GI-1” districts only unless otherwise provided for this ordinance;
4. Manufactured and mobile homes that now exist in single-family or multiple family residential zoned districts shall be required to meet the Texas Department of Housing and Community Affairs’ Texas Manufactured Home Tie-down Standards. A skirt or apron which is continually and properly maintained shall also be required to surround each manufactured or mobile home between the bottom of the unit and the ground. The time period for meeting these standards will be one (1) year from the enactment date of this Ordinance
5. A manufactured or mobile home currently located in the City may be replaced by a HUD-code manufactured home and the City shall grant a permit for use of the manufactured home as a dwelling in the City. An owner’s ability to replace the home as a result of a fire or natural disaster cannot be restricted. *Source: Ch. 1201 Texas Occupations Code.*
6. On application, the City shall permit the installation of a HUD-code manufactured home for use as a dwelling in any area determined appropriate by the municipality, including a

subdivision, planned unit development, single lot, and rental community or park. An application to install a new HUD-code manufactured home for use as a dwelling is considered to be granted unless the municipality in writing denies the application and states the reason for the denial not later than the 45th day after the date the application is received. *Source: Ch. 1201 Texas Occupations Code.*

7. The owner of a manufactured home in existence in a single-family or multiple-family residential district at the time this Ordinance is adopted may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home and is at least as large in living space as the prior manufactured home. An owner's ability to replace the home as a result of a fire or natural disaster cannot be restricted. *Source: Ch. 1201 Texas Occupations Code.*

C. Industrialized Housing (Modular Homes)

Industrialized housing shall meet the requirements established by applicable law, including Ch. 1202 of the Texas Occupations Code.

D. Overlay District

Properties within an Overlay District have the same requirements and restrictions as their base district, but also have additional restrictions and requirements imposed by the adopted overlay district.

SECTION 5.2 – Accessory Buildings and Structures

Accessory Storage Buildings, Cargo / Storage and Shipping Containers in all zoning districts shall conform to the regulations as set forth in Ordinance 2018-08 of the City of Canton as amended.

SECTION 5.3 - Accessory Dwelling Units

Accessory Dwelling Units (ADUs) may be maintained within the zoning districts RA, R-1, R-2, and R-3 under the following conditions:

- A. Live/work ADUs associated with commercial uses are allowed only in the Gateway District and the Historic Overlay District with a Specific Use Permit;
- B. An ADU may only be a freestanding structure constructed behind the primary dwelling unit, and is subject to the same set-back requirements as the primary dwelling unit;
- C. An ADU may only be constructed after the issuance of a building permit;
- D. An ADU must be constructed to meet all the currently adopted and relevant City codes, including without limitation the International Code Council codes;
- E. The primary dwelling unit must be occupied during the occupancy of the ADU;
- F. The ADU must be constructed of materials similar to the primary dwelling unit;
- G. An ADU may not be sold separately from the sale of the entire property including the primary dwelling unit;
- H. An ADU shall not be leased separately from the lease of the entire property including the primary dwelling unit;
- I. An ADU may only be used by a guest or family member of the owner/occupant of the primary dwelling unit or a caretaker for the owner/occupant of the primary dwelling unit;

- J. An ADU may be no smaller than 400 square feet and no larger than 50% of the heated and cooled living space of the primary dwelling unit;
- K. An ADU shall be water metered according to TCEQ utility rules under Chapter 291 of the TCEQ Utility Regulations. Options include a separate water meter or sub-meter off of the primary dwelling unit's water meter;
- L. An ADU must have a minimum of one (1) and a maximum of two (2) paved parking space(s) in addition to those required by the primary dwelling unit;
- M. An ADU must have a paved path (sidewalk) accessible from the primary dwelling unit's front curb that allows access to the ADU without having to pass through the primary dwelling unit. The sidewalk must have a minimum width of four (4) feet;
- N. The ADU may contain only one (1) bedroom;
- O. The ADU shall be occupied by no more than two (2) people;
- P. A maximum of one (1) ADU may be located on any lot where they are permitted.

SECTION 5.4 - Mobile Food Units (Food Trucks)

5.4.1 – DEFINITIONS

Charitable Event: Any event, function or gathering which is not in violation of any federal or state law or any ordinance or regulation of the City which is sponsored, organized and overseen by an exempt organization and takes place either on private property or on property owned or controlled by a government unit (such as the City of Canton, Van Zandt County, or the Canton Independent School District) with the approval of the local governmental unit having control of such location

Commissary also known as Central Preparation Facility (CPF): a permitted fixed food establishment that serves as an operating base for a mobile food unit. The commissary is where the vehicle will be stored, parked, serviced, cleaned, supplied and maintained.

Exempt Organization: An exempt organization shall mean any of the following groups which regularly carry on activities within the City and have current members who reside within the City:

- a. Any charitable, benevolent, veterans or civic group;
- b. Any service club which regularly meets in the City;
- c. Any school located within the City as well as any student organizations, booster clubs or parent/teacher organizations from any of such schools;
- d. Any church which has regular worship services within the City; or
- e. Any nationally or regionally recognized youth organization (such as Girl Scouts or Boy Scouts) which has a troop or group which regularly meets in the City and has members who reside in the City.

MFU: Mobile Food Unit

Mobile Food Unit- Limited: mobile food push carts including, but not limited to, coffee carts, hot dog carts, ice cream carts, corn carts, etc. which have limited preparation on an un-motorized mobile unit.

Mobile Food Unit (Full Service): a food service establishment that stores, prepares, displays, serves, sells, or distributes any food or beverage from a mobile food preparation unit that is not operating at a permanent fixed location. A mobile food service establishment is vehicle-mounted or wheeled and capable of being **readily moveable**. A mobile food unit is fully self-contained.

Property Owner: a person(s), entity or corporation in whom is vested the ownership or title of real property

Special Event: a temporary event or gathering, using either private or public property, which involves one or more of the following activities (except when the activity is for construction or house-moving purposes only) (a) closing a public street; (b) blocking or restriction of public property; (c) a gathering of more than 50 persons on public property; (d) sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; erection of a tent on public property, or on private property where otherwise prohibited by ordinance; (f) installation of a stage, band shell, trailer, van, portable building, amusement rides, grand stand or bleachers on public property, or on private property where otherwise prohibited by ordinance; (g) placement of portable toilets on public property, or on private property where otherwise prohibits by ordinance; or (h) placement of temporary “no-parking” signs in a public right-of-way.

5.4.2 – TYPES OF MOBILE FOOD UNITS

A. Mobile Food Unit- Limited

1. Ice Cream Trucks – approved to vend pre-wrapped and sealed ice cream, canned soft drinks, packaged candy, chips and pickles. Ice Cream Trucks may stop on public streets or rights-of-way provided such stops:
 - a. Are not in or within fifty (50) feet of an intersection;
 - b. Are not in an area which prohibits standing or parking of vehicles;
 - c. All items are vended from the curbside or rear of the vehicle; and
 - d. The ice cream truck is vending in a safe manner.
2. Mobile Catering Trucks – approved to deliver prepared food to a catered operation
3. Limited-Service Push Carts – approved to vend foods that are pre-wrapped, bottled or otherwise packaged
4. Mobile Grocery Truck – approved to vend pre-wrapped, non-potentially hazardous food including canned soft drinks, prepackaged grocery items, candy, chips and pickles
 - a. All items sold must be purchased from a permitted facility
 - b. Permits must be retained on the MFU at all times and are not transferable
 - c. Only single service articles are to be used

5. Push Carts

B. Mobile Food Unit- Full Service

A food service establishment that stores, prepares, displays, serves, sells, or distributes any food or beverage from a mobile food preparation unit that is not operating at a permanent fixed location. A mobile food service establishment is vehicle-mounted or wheeled and capable of being **readily moveable**. A mobile food unit is fully self-contained.

5.4.3 – REGULATIONS

All Mobile Food Units are subject to the following regulations and all other city, state or federal regulations, except in the FMB-A1 and FMB-A2 First Monday Business Zoning District which operate during First Monday Trade Days.

A. Location/Hours of Operation

1. Location

- a. All mobile food units, other than Ice Cream Trucks, shall be allowed to operate in all zoning districts except those classified as residential.
- b. All MFUs shall be located on an individual private parcel where an existing permanent business operates in a building with a certificate of occupancy.
- c. Except for charitable events conducted with the permission of the City of Canton, it shall be unlawful for any person to establish, maintain or operate a mobile food unit upon any public street, alley, median, thoroughfare, sidewalk, school property, public park or any public property.
- d. Except for charitable events conducted at a location approved by authorized City personnel, it shall be unlawful for any person to locate or operate a mobile food unit at any location unless there is adequate parking available for customers on the property on which the mobile food unit is located. Parking will be presumed to be inadequate if the operation of the mobile food unit blocks, obstructs, or unduly hinders passage on pedestrian or vehicular traffic on public streets or alleyways in any way.
- e. The prohibition on the obstruction of traffic shall not apply to an exempt organization or a person sponsored by an exempt organization operating a MFU at a charitable event if: (i) a special event permit has been obtained from the City; and (ii) the MFU is being operated within an area which has been approved by the City for the charitable event. The requirement for the approval of the location of the charitable event must be satisfied even if the charitable event is on property which is not owned or under the jurisdiction of the City.
- f. MFUs, including any applicable seating, may operate in parking spaces in a commercially-zoned individual property, parcel, tract or platted lot, if the required parking for the renter remains in compliance with the parking code. A site plan indicating the specific location(s) is required.
- g. All MFU's must be at least 100 feet away from the door of a restaurant. Mobile food parks shall be measured from the park's closest property line.
- h. MFUs must be parked on a paved surface designated for vehicle parking with adequate parking for patrons.
- i. MFUs shall not operate in driveways, in fire lanes or on public roads.

- j. MFUs shall not impede access to the entrance or driveway of any adjacent building.
- k. No MFUs, their merchandise, advertising, or seating shall obscure traffic sight visibility.
- l. MFUs shall be located within a distance of 500 from a public restroom facilities.
- m. MFUs shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.

2. Hours of Operation

- a. MFUs shall be removed from the parcel on a daily basis and may only operate during the business hours of the primary business and may not be parked longer than twelve (12) hours.
- b. MFUs may not operate for more than three (3) consecutive days at any one location.

B. Licensing/Permitting

No person shall operate a Mobile Food Unit who does not possess a valid, current Mobile Food Unit Permit issued by the City of Canton, Texas. Mobile Food Unit Permits are valid for one year from date of issue and are not transferable.

1. Requirements for Permit

- a. Completed City of Canton application for MFU;
- b. Sales Tax Permit with the requirement that the City of Canton shall be reported for all sales within its city limits;
- c. Applications must be completed at least thirty (30) days before the start of operation within the City;
- d. MFUs shall provide the City with a copy of written permission from the property owner to allow the operation of a MFU and to allow the MFU and their customers access to a commercially-plumbed public restroom onsite. The authorization shall include the specific dates and times during which the mobile food unit is authorized to be present on the premises.

If permission from the property owner is revoked, the MFU owner must present the City with written permission from a new property owner before operations may continue.
- e. All MFUs shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, a Texas Sales Tax Permit and meet all other state licensing requirements.
- f. A site plan depicting the location of the food truck on the property. If there are to be multiple locations for the MFU, a site plan must be presented for each separate location.

2. Permit Fees

The food permit fee (and any other associated fees) must be paid before a food permit is issued.

Special Events (City-sponsored/related) - \$25.00
Special Events - \$50.00
Limited-Service Food Truck - \$100.00
Full-Service Food Truck - \$200.00

3. Violation of Permit

- a. Violations of the permit requirements are subject to corrective action up to and/or including, discarding of food products, revocation of the permits and fines.
- b. Those persons found operating in the City of Canton without a valid City MFU permit (deleted or State license) are subject to fines up to \$2,000.00.

4. Suspension of Permit

- a. The City of Canton may suspend the MFU permit if the operation of the MFU constitutes an imminent hazard to public health.
- b. Suspension is effective upon service of a notice as provided. When a permit is suspended, food operations shall immediately cease.
- c. The holder of the permit or the person in charge of the MFU shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained. The regulatory authority may end the suspension at any time if the reasons for suspension no longer exist.

5. Revocation of Permit

The City of Canton may revoke the permit for any of the following reasons:

- a. Any information provided on the application is not correct or updated;
- b. If the MFU is found to be out of compliance with any city and/or state regulations;
- c. The operator has any unpaid sales tax obligations owing to the State of Texas;
- d. If any condition set forth in this Ordinance which existed at the time the permit is issued ceases to exist.

If a permit is revoked, the application fee shall be forfeited and the permit shall be surrendered to the City. A permittee whose permit has been revoked may not reapply for a permit for a period of one year from the date the permit was revoked.

6. Appeal Process

An applicant or permittee may appeal the denial of an application, or the suspension or revocation of a permit, to the Board of Adjustment by giving written notice to the City Secretary at City Hall not less than seven (7) business days from the date notice of the adverse action is mailed to the appellant.

An applicant or permittee (referred to in this section as “appellant”) will be given written notice of the denial of an application, suspension, or the revocation of a permit (referred to in this section as the “adverse action”). The notice will be mailed to the address shown on the appellant’s application. Following any adverse action,

an appellant may request a hearing on the matter before the Board of Adjustment by giving written notice to the City Secretary of that request. Such notice by the appellant to the Board of Adjustment must be delivered to the City Secretary at City Hall not less than seven (7) business days from the date notice of the adverse action is mailed to the appellant. The City Secretary will schedule a hearing on the matter at City Hall and will provide appellant with written notice of the date, time and location of the hearing. At the hearing, the Board of Adjustment will consider the information provided by the appellant and will either affirm, overturn or modify the prior decision. The decision of the Board of Adjustment shall be final.

C. Operations

1. A drive-through is not permitted in conjunction with the MFU and shall not provide a drive-through service of any kind.
2. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Canton.
3. Except as otherwise limited by the City of Canton ordinances, MFUs may utilize outside seating consisting of a portable table and a seating capacity not to exceed six (6) persons.
4. Alterations, removal, attachments, additions, placement or change in, under, or upon a mobile food unit that would prevent or reduce ready mobility are prohibited.
5. The operator of a MFU shall demonstrate the vehicle is readily moveable, if requested by a City representative, Code Enforcement Officer, or a law enforcement officer.
6. One (1) A-frame advertising sign shall be allowed for each MFU.
7. Any and all individual(s) and/or entity(ies) operating a MFU on private property must have a written agreement authorizing such operation with the landowner. Each individual and/or entity operating a MFU shall maintain a copy of the written agreement at their location and produce said agreement upon request.
8. It is the responsibility of the MFU owner/operator to ensure that all federal, state laws and applicable City ordinances are met.
9. The noise level of mechanical equipment or outside sound equipment used in association with any MFU may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.
10. An operator of a MFU is prohibited from using PA systems, bells, or music.
11. Smoking shall not be allowed within twenty (20) feet of the MFU.
12. All MFU's must follow the guidelines set out in the most current version of the Texas Food Establishment Rules pertaining to Mobile Food Units issued by the Texas Department of State Health Services.

D. Inspections

MFUs are subject to inspection any time the unit is stopped and serving the public. The City may require a MFU vendor to come on an annual basis, to a location designated by the health authority for an inspection. Documents required at inspection are:

1. Current City of Canton Mobile Food Unit Permit;

2. Current license plate attached for a motorized vehicle;
3. Current health inspection report (a copy must be maintained on mobile unit at all times);
4. Signed, notarized letter of authorization from Commissary if not owned by mobile unit operator;
5. Valid Certified Food Manager certification for at least one individual operating on the unit;
6. Food handler cards for all other persons handling food;
7. CPF's current health inspection report (a copy must be maintained on the mobile unit at all times); and
8. A copy of a valid identification for the operator of the MFU.

5.4.4 – FOOD TRUCK PARKS

Food Truck Parks are only permitted in areas zoned General Business District (B-2) with a Specific Use Permit. Food Truck Parks must follow the following guidelines:

- A. All Mobile Food Units operating within a Food Truck Park must have a current City of Canton Mobile Food Unit Permit;
- B. The site of the Food Truck Park must have designated parking spaces for each mobile food unit;
- C. All electrical, water and wastewater systems shall comply with the City's current building, electrical and plumbing codes;
- D. No permanent connections may be made between any Mobile Food Unit and any electrical, water or wastewater system;
- E. A fire lane that allows access to all units shall be designated and no parking of a Mobile Food Unit, or guest thereof, shall be allowed in the designated fire lane;
- F. Restrooms must be provided in the form of either site-built restrooms or a trailer based facility approved by the State Health Department;
- G. All waste shall be disposed of in containers made for the purpose of containing waste;
- H. Operational hours shall not cause conflict with the City's noise ordinance;
- I. All Mobile Food Units shall be required to leave the premise for a period of twenty-four (24) hours at least once every seven (7) days.

SECTION 5.5 - Cemeteries and Mausoleums

In addition to the requirements applicable to cemeteries and other such similar uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

- A. Dimensional requirements
 1. Minimum parcel size. The minimum parcel size for cemeteries and/or mausoleums shall not be less than ten (10) acres.
 2. Minimum yard setbacks. No part of any crypt, mausoleum, or other building, other than a subterranean grave, shall be less than fifty (50) feet from the nearest lot line.

3. Parcel coverage. Crypts, mausoleums or other structures, other than monuments, shall together not occupy more than ten (10) percent of the total area.

B. Buffering and screening.

A continuous screening device shall be provided and maintained along all boundary lines separating cemeteries from any residentially used dwelling units within 200 feet on residentially zoned contiguous land

SECTION 5.6 - Day Care Centers

In addition to the requirements applicable to day care centers within districts where such are permitted, the following requirements and regulations shall be complied with:

- A. Home Occupation – Family day home/childcare and day care (6 or less children) facilities in accordance with their definitions shall comply with the following:
 1. A license shall be maintained at all times as required by law or ordinance;
 2. The family day home/childcare facility shall be clearly incidental and secondary to the principal use of the property;
 3. A caregiver shall be required on premises at all times;
 4. The front and side yards shall be maintained as open space, and all play activity shall be confined to the rear yard;
 5. An indoor area of thirty (30) square feet, excluding single purpose areas as defined in the Texas Human Resources Code, and a rear yard area of one hundred (100) square feet shall be provided per child;
 6. The exterior of the building or grounds shall not be altered, decorated or painted in any way to distract from the residential character of the neighborhood;
 7. Annual certification shall be required from the fire chief, Building Official, and licensing supervisor for the Texas Department of Family and Protective Services that the use and structure comply with the requirements of their respective codes. Provisions of Section 5.15 shall also apply to home childcare facilities;
 8. The play area shall be separated from adjacent residential properties by a solid masonry or wood fence, not less than six (6) feet high. The required wall may be along any or all rear lot lines or surrounding the play area, so long as a solid masonry wall exists between the play area and all adjacent property;
 9. A minimum of one (1) off-street parking space shall be provided plus one (1) additional off-street parking space for every six (6) children. For this use, the off-street parking requirement shall include garage or carport spaces, and paved driveways which may or may not afford ingress and egress for an automobile
- B. Commercial day care (general) centers as defined shall comply with the following:
 1. License or registration is maintained at all times when required by law or ordinance;
 2. A solid wall, not less than six (6) feet high, is maintained along all interior lot lines with separate play areas for adjacent properties.
 3. The required front yard, and side street yard if one exists, shall be maintained as open space and shall not be used for childcare;

4. There shall be at least thirty (30) square feet of indoor activity space for each child in the day care center, measured wall-to-wall on the inside, not including single-use areas;
5. The day care center shall have at least two hundred (200) square feet of outdoor play area for each child using the area at one time. All outdoor play areas used by the children shall be accessible by a safe route and enclosed by a building or fence at least six feet (6') high with at least two exits.
6. Dimensional requirements.
 - a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet and in compliance with state law.
 - b. Minimum lot width. The minimum lot width at the property line shall not be less than one hundred (100) feet.
 - c. Minimum yard setbacks.
 - (1) Front - 25 feet
 - (2) Side, street - 15 feet
 - (3) Side, interior - 8 feet
 - (4) Rear - 20 feet
 - d. Maximum building height of principal structure - 35 feet

SECTION 5.7 - Funeral Services including Funeral Homes and Mortuaries

In addition to the requirements applicable to funeral homes and mortuaries within the districts where such are permitted, the following requirements and regulations shall be complied with:

- A. Dimensional requirements:
 1. Minimum lot area - 1 acre
 2. Minimum lot width - 100 feet
 3. Minimum yard setback - 35 feet
 4. Maximum building height or principal structure - 35 feet
- B. Access. All ingress and egress points shall be to or from the arterials.
- C. Buffering and screening. All such operations including the loading and unloading facilities shall be screened from abutting properties.

SECTION 5.8 - Gasoline Service Stations and Car Washes

In addition to the requirements applicable to gasoline service stations and car washes within the districts where such are permitted, the following requirements and regulations shall be complied with:

- A. Gasoline Service Station
 1. Minimum lot area. The minimum lot area to be occupied by a gasoline service station shall not be less than twelve thousand (12,000) square feet with a lot frontage of not less than one hundred (100) feet.

2. Minimum pump setback. Gasoline service station pump islands that parallel a public street must be located a minimum of fifteen (15) feet from the property line adjacent to a public street. For pump islands that are perpendicular to a public street, the setback shall be thirty (30) feet in order to prevent vehicles' stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line but shall not be closer than fifteen (15) feet to any property line that is not adjacent to a public street.
3. Permitted uses
 - a. Automobiles, trucks, luggage carriers, boats, trailers. Junk vehicles including wrecks may not be parked on the premises.
 - b. Minor adjustments or repairs to automobiles, trucks, trailers, or other vehicles which do not require body work, painting, or removal of engines from frames or dismantling of differentials shall be permitted. Major adjustments or repairs at service stations shall only be permitted within zoning districts where such is so specified.
 - c. Retail sale of:
 - (1) Minor automobile parts and accessories, gasoline, diesel;
 - (2) Fuel, kerosene, lubricating oils and greases. Articles dispensed by vending machines providing such vending machines are located under the roof of the principal structure.
4. Outdoor storage. No permanent outdoor storage of materials or products shall be permitted, and all outdoor display and storage shall be located within 15 feet of the main structure and may not be placed on the right-of-way.
5. Facilities. No lift or repair facilities shall be located outside of the principal structure.

B. Car Washes

1. Minimum lot area. The minimum lot area to be occupied by a car wash containing either one (1) conveyor belt washing stall or four (4) or fewer self-service and/or automatic washing stalls shall not be less than fifteen thousand (15,000) square feet. For each additional washing stall over one (1) conveyor belt washing stall or four (4) or less self-service and/or automatic washing stalls, as the case may be, an additional two thousand (2,000) square feet shall be added to the minimum lot requirements.
2. Compliance with other regulations. Except as provided for in the above paragraph, all car washes shall comply with the regulations of Section 5.8.A above.

SECTION 5.9 - Junkyards and Salvage Yards

In addition to the requirements within the GI-1 districts where such uses are permitted, the following requirements and regulations shall be complied with:

A. Dimensional requirements

1. Minimum lot area - 2 acres
2. Distance of a salvage yard or junkyard property line from any residentially-zoned district shall be a minimum of 300 feet.

3. Structures and vehicle storage shall be a minimum of 50 feet from any street right-of-way line and/or property line.

B. Buffering and Screening

1. The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous, eight foot high metal fence, suitably protected against weather, or solid masonry wall, (not to include a pile of bricks or cylinder blocks) without opening except for entrance and exits, which shall be equipped with unpierced gates.
2. The 50-foot setback shall be landscaped and have trees planted every 25 feet with a mature height over 20 feet so as to provide additional screening.
3. All vehicle storage, parking and operations shall be conducted behind the screening fence.

SECTION 5.10 - Veterinary Hospitals and Clinics

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

A. Dimensional requirements

1. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet.
2. Minimum lot width. The minimum lot width at the building line shall not be less than one hundred (100) feet.
3. Minimum yard setback. All buildings and structures excluding fences or walls shall be set back a minimum distance of twenty-five (25) feet from any residential district boundary. All other setbacks shall conform to the requirements of the district such uses are located.

B. Additional requirements. Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the maximum building height regulations of the district in which such facilities are permitted.

C. Additional regulations.

1. No such facilities shall be permitted to have outside cages or runs except those permitted in industrial districts.
2. All such facilities shall be soundproof so as to prevent any noise from being heard outside any building or structure. Outside cage structures permitted in industrial districts shall not be required to be soundproof.
3. All such facilities shall have proper and Health Department approved methods of disposing of dead animals and/or parts. These include a crematory or pathological incinerator and other acceptable means, such as a rendering plant contract for regular removal and proper refrigerated storage if required to remain on premises for any reason.

SECTION 5.11 - Hospitals and Clinics

In addition to the requirements applicable to hospitals and clinics within districts where such are permitted, hospitals and clinics shall conform to and be properly licensed and operated as required by State and Federal regulations, the following requirements and regulations shall be complied with:

- A. Hospitals.
 - 1. Dimensional requirements
 - a. Minimum lot area - 2 acres
 - b. Minimum lot width - 200 feet
 - c. Minimum yard setbacks - 100 feet
 - d. Maximum building height of principal structure - 35 feet unless a special exception is granted for additional height subject to any conditions of approval.
 - 2. Access. All ingress and egress points shall be to or from arterials.
- B. Clinics
 - 1. Dimensional requirements
 - a. Minimum lot area - 10,000 square feet
 - b. Minimum lot width - 100 feet
 - c. Minimum yard setbacks
 - (1) Front - 25 feet
 - (2) Side, street - 15 feet
 - (3) Side, interior - 10 feet
 - (4) Where the side yard abuts a residential district - 25 feet
 - (5) Rear - 25 feet
 - d. Maximum building height of principal structure - 35 feet
 - 2. Access. All ingress and egress points shall be to or from arterials.
 - 3. Parking. In addition to the required off-street parking requirements for such uses, automobile parking will be permitted in front yard setbacks if separated by at least one hundred (100) feet from any residential dwelling.

SECTION 5.12 - Home Occupations

Standards for regulating home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by the property's owner and by occupants of neighboring residential buildings, while providing opportunities for the pursuit of home-based businesses. Prior to approval of a home occupation, the Building Official shall notify in writing all contiguous properties to the proposed home occupation. After waiting ten (10) business days, the Building Official may issue a certificate of occupancy to the home occupation subject to the following provisions and any conditions he

deems necessary to protect the neighborhood and adjacent properties including requiring additional screening. Any appeals of his decision shall be to the Board of Adjustments in accordance with Section 3.5.

A. Special provisions for home occupations.

1. Home occupations shall be permitted as accessory uses in single-family, two-family and multi-family residential zoning districts RA, R-1, R-2, R-3, R-4, MF-1, MF-2 and MH provided they comply with all restrictions herein;
2. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.
3. Such use shall be incidental and secondary to the use of the premises for residential purposes;
4. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
5. The operation of such an occupation shall be between the hours of 7:00 a.m. and 10:00 p.m.;
6. No more than one commercial vehicle, capacity of one ton or less (according to manufacturer's classification), may be used or parked behind the front building line on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;
7. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district and shall not require more than one delivery per week by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
8. There shall be no outside storage, including trailers, or outside display relating to the home occupation use;
9. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment and that which is customarily associated with a hobby or avocation that is conducted solely for pleasure and not for profit or financial gain;
10. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential use;
11. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
12. The home occupation shall not use advertising signs or window displays or any other device that calls attention to the business use of the premises through audio and/or visual means, except that one (1) sign not exceeding one (1) square foot in area, non-illuminated, may be mounted flat against the wall of the principal building being used;
13. The occupation shall not offer a ready inventory of any commodity for sale on the premises other than samples of the products being sold unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing); and
14. The occupation shall not be harmful or detrimental to the health, welfare, and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property

and recreation by residents of the zoning district in which the home occupation is located.

B. Applicability of other regulations. Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations that govern such uses.

C. Uses allowed as home occupations. Home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, doctor, dentist, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
2. Author, artist or sculptor;
3. Personal service establishments as defined, when conducted entirely within a residence by appointment only. Such uses may include a dressmaker, seamstress or tailor, massage therapist, beauty parlor or barber shop;
4. Music/dance teacher, or similar type of instruction, provided that instruction shall be limited to no more than one pupil at a time;
5. Individual tutoring, home schooling,
6. Family day home or home-based child day-care (6 or less) center as defined in accordance with Section 5.6.
7. Office facility of a member of the clergy;
8. Home crafts, such as rug weaving or model making;
9. Office facility of a salesperson, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are physically made on the premises;
10. Consumer repair services as defined for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
11. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.
12. A food preparation facility that meets the definition of "cottage food" production in Chapter 437 of the Texas Health and Safety Code but only as exempted from municipal regulation

D. Uses Prohibited as Home Occupations. Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables, or kennels;
2. Schooling or instruction with more than one pupil at a time, except swimming/water safety classes, home-based child day care center, family day home, and home schooling;
3. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with a permitted bed and breakfast facility.

4. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
 5. Office facility for a veterinarian;
 6. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
 7. Commercial clothing laundering or cleaning;
 8. Mortuaries or funeral homes;
 9. Trailer, vehicle, tool or equipment rentals;
 10. Repair shops or services, except as provided by Paragraph C above;
 11. Drapery or furniture upholstery shops;
 12. Antique, gift or specialty shops;
 13. Repair shops for any items having internal combustion engines; and
 14. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.
- E. Home occupation uses not classified. Any use that is not either expressly allowed by Paragraph C or expressly prohibited by Paragraph D is prohibited, unless and until such use is classified by amendment to this Ordinance by the Canton City Council, subsequent to consideration and recommendation by the Planning and Zoning Commission.
- F. Effect Upon Existing Occupations:
1. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use and is subject to the provisions of Section 4.1 provided that the owner/proprietor of such home occupation registers his or her business with the city within ninety (90) days from the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance is the responsibility of the applicant and is required upon registration.
 2. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the city as described in Paragraph A above.

SECTION 5.13 - Outdoor Displays

In the zoning districts where outdoor displays, storage and sales are permitted, such outdoor displays, storage or sale of new or used goods, junk, materials, merchandise or vehicles shall be prohibited, unless said items are displayed, stored or sold in accordance with the requirements of one of the following subsections:

- A. Items stored on a permanent basis outside shall be screened from the general public in accordance with Section 9.5, Screening Walls or Visual Barriers.

- B. Temporary display, storage or sale, in the context of this Section, shall be defined as the keeping of any new or used goods, junk, materials, merchandise without the screening required in Paragraph A above for the sale, display or storage of said goods and materials. Items placed outdoors for temporary display, storage or sale shall be subject to compliance with each of the following requirements:
1. An area equal to or less than twenty (20) percent of the total interior floor display area of the adjacent sales building may be used for outdoor display, sale or storage.
 2. The outdoor display, sale or storage of items is exclusively limited to that portion of the site directly adjacent to the primary front of the store front, and shall not infringe upon required parking spaces, accessible path, or a driveway maneuvering area, and shall not extend along the sides of the store front. The primary store front shall be defined as that portion of the building where the main building entrance is located and between the front property line(s) and the front wall(s) of the building(s) on said property.
 3. Nothing in this Ordinance shall be so construed as to prevent any merchant from occupying not more than one-half (1/2) of any sidewalk in receiving and forwarding goods, wares and merchandise provided that such goods, wares or merchandise shall not remain on said sidewalk for longer time than three hours in a twenty-four hour period. Every merchant or owner of a building fronting on any street shall be required to maintain a minimum of thirty-six (36) inch clearance from the outside edge of the sidewalk (not including stairs or curb) in accordance with the American Disabilities Act.
 4. Outdoor display, temporary display, sale or storage of said goods shall be permitted only during regular business hours. Said goods shall be stored indoors at all other times. Regular building hours shall be defined as between the hours of 7:00 a.m. and 10:00 p.m., or the actual hours of operations of the business, whichever is shorter.
 5. Outdoor display, sale or storage areas shall be maintained in a neat and orderly manner and shall comply with all other applicable City ordinances.
 6. Elevated display platforms shall not be permitted.

C. Exceptions

The outdoor storage or display of the following items intended for sale, lease or use as defined herein shall not be subject to the screening requirements of this Section:

1. The sale, lease or service of automobiles, trucks, boats, motorcycles, motor homes and travel trailers, trailers, airplanes and recreational vehicles;
2. The sale or rental of construction equipment and farm equipment;
3. Christmas tree sales;
4. Nursery plants and seasonal lawn/garden supplies;
5. Building supplies; and
6. First Monday vendors in FMB-zoned districts during First Monday show dates.

D. General Outdoor Storage, Display and/or Sales Requirements

Outdoor storage display or sales, where such uses are permitted, shall not be permitted within a required buffer yard or required landscape area.

1. Outdoor storage display or sales, where such uses are permitted, shall not be conducted in a manner that will adversely affect site circulation, parking or access to or from the site.

2. Special sales, going-out-of-business sales and other special events in accordance with the City of Canton Municipal Code of Ordinances may be permitted with a temporary permit issued by the Building Official, if such permit is requested in writing at least thirty (30) days prior to the sale or special event. Such special events will be limited on an individual property to a total of 14 days in any 90-day period.

E. Compliance Required

1. The location of required screening fences, as well as information demonstrating compliance with all requirements of this article, shall be clearly delineated and described on the submitted Site/Landscape Plan(s) submitted when applying for a building permit (new construction only)
2. A Certificate of Occupancy shall be withheld until compliance with all applicable screening requirements is obtained.

SECTION 5.14 - Recreational Vehicle, Travel Trailer Regulations

A. Purpose. The purpose of this Section is to establish clear and well-defined regulations pertaining to the use and parking of recreational vehicles and travel trailers as defined.

B. General Provisions

1. It shall be unlawful for any person to use a recreational vehicle or travel trailer as an on-site dwelling or living area in any section of the city except as specifically authorized by City ordinance.
2. It shall be unlawful to park or place any recreational vehicle or travel trailer on any public street or roadway in front of a business for more than four hours or in front of a residence for more than 48 hours except in accordance with this and all other municipal codes.
3. Recreational vehicle or travel trailers may be used under the following exceptions:
 - a. Recreational vehicle or travel trailers may be used as a temporary office or display units as approved by the Building Official after a written request;
 - b. Recreational vehicle or travel trailers may be placed in locations where the Building Official has granted a request to temporarily locate a recreational vehicle or travel trailer(s) for temporary property damage, temporary construction or similar use for a maximum of thirty (30) days. The request shall be in written form signed by the property owner requesting a specified period of time for the recreational vehicle or travel trailer to be present. It shall also address how utilities will be supplied to the recreational vehicle or travel trailer, if applicable. In addition to the request, there shall be a site plan provided showing the proposed location of the recreational vehicle or travel trailer(s) and any other structures on the property.
 - c. In any event, a recreational vehicle or travel trailer shall not be stored on vacant lots unless the owner lives in a house on one of the adjoining lots.

SECTION 5.15 – Open Air Vending

In all Districts, with the exception of the FMB-1 and FMB-2 Districts, which allow Open Air Vending, a Farmer’s Market or a Flea Market, a Special Event Permit must be obtained from the Building Official under the following conditions:

- A. Open air vendor means any person who offers, for sale or lease, goods, wares or merchandise from a stand, trailer, vehicle, tent, table or other area that is not completely enclosed by a permanent structure, on real property owned, controlled, or leased by another person or entity
 - 1. A Special Event Permit may be issued by the City Building Official upon a finding:
 - a. That such vending will not endanger the health, safety or general welfare of the public, and specifically, that said vending will not unreasonably increase congestion upon the public roadways in and about said vending location so as to endanger the safety of drivers and pedestrians; and,
 - b. That the vendor applicant shall comply with all other ordinances and laws applicable to said commercial activity and have obtained all other necessary permits.
- B. Seasonal Vendor means any Open-Air Vendor, whose goods, wares or merchandise held for sale are seasonally themed or related to seasonal celebrations and occurrences, including but not limited to Summer Vacation, Christmas, Valentine’s Day, Halloween, Thanksgiving, New Year’s, or the Fourth of July. Such goods, wares, or merchandise may include but shall not be limited to snow cones, Christmas trees and wreaths, flowers, roses, costumes, and other holiday themed décor.
 - 1. Seasonal vendors shall be subject to the same application and Special Event permitting requirements as all open-air vendors, but, in addition to such requirements, shall be further subject to the following regulations:
 - a. Seasonal vendors shall be required to acquire a seasonal vending permit, which permit shall be obtained in the same manner as an Open-Air Vendor Permit.
 - b. A seasonal vendor permit, once granted, shall be valid for only thirty (30) days from the date appearing on the face of the permit. A seasonal vendor may apply for a specified start date for such permit if the vendor submits his or her application sufficiently in advance of such date. Otherwise, the date of issuance shall be the date appearing on the face of the permit.
 - c. A seasonal vendor may only receive a maximum of three (3) seasonal vending permits within a twelve (12) month period.
 - d. No more than three (3) seasonal vending permits may be issued for a single parcel of land within a twelve (12) month period.
- C. Open Air Vendors may be permitted on a temporary basis by the Building Official as part of a Special Event Permit in accordance with the Special Event Ordinances of the City.

Article 6 – Zoning Districts

SECTION 6.1 - Zoning Districts Established

The City of Canton, Texas shall be divided into classes of residential, office, commercial, industrial and special zoning districts as presented in this Article. The location and boundaries of the zoning districts established by this ordinance are as indicated on the map entitled “Official Zoning Map of the City of Canton, Texas,” as approved by the City Council as part of this ordinance and filed in the office of the Zoning Administrator.

Abbreviated Designation	Zoning District Name
RA	Rural Agricultural District
R-1	Single Family Detached Residential District
R-2	Single Family Detached Residential District
R-3	Single Family Detached Residential District
R-4	Manufactured Housing District
MF-1	Multiple Family Residential District
MF-2	Multiple Family Residential District
MH-1	Manufactured Park District
RPO	Restricted Professional and Office District
B-1	Local Business District
B-2	General Business District
FMB-A1	First Monday Business District
FMB-A2	First Monday Business District
GD	Gateway District
GI-1	General Industrial District
PD	Planned Development District
HD	Historic Preservation Overlay District

SECTION 6.2 - Zoning District Map

- A. The boundaries of the zoning districts established in Section. 6.1 are delineated upon the official Zoning District Map of the City. The Zoning District Map is hereby adopted by reference and declared a part of this Ordinance as fully as if set forth in detail.
- B. The official Zoning District Map is available on the City’s website. The Zoning Administrator must post all amendments to the map as soon as possible after the effective date of the Zoning District Map amendment.
- C. Reproductions for information purposes may, from time to time, be made of the official Zoning District Map. Any and all copies, either printed or electronic format, shall clearly state they are copies of the original zoning map on file in the City Secretary’s office and have a “current as of” date as to when the copy was produced.

SECTION 6.3 - Zoning District Boundaries

The district boundary lines shown on the Zoning District Map are usually along existing and proposed streets, alleys or property lines. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules apply.

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits are construed as following City limits.
- D. Boundaries indicated as following railroad lines are construed to follow the centerline of the tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in A through D above are so construed. The scale of the map determines distances not specifically indicated on the original Zoning District Map.
- F. Whenever the City Council vacates a street, alley or other public street right-of-way or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way is automatically extended to the centerline of such vacated public street right-of-way and all areas so involved become subject to all regulations of the extended districts.
- G. Where physical features on the ground vary from information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and the application of this Section cannot resolve such question the property must be considered as classified RA-Rural Agricultural zoning district, temporarily in the same manner as provided for newly annexed territory and the issuance of a Building Permit and the determination of permanent zoning must be in accordance with the provisions provided in Section 6.5.
- H. The Board of Adjustments is authorized to make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the rules in Section 6.3 of this Ordinance (Zoning District Boundaries) do not apply or are ambiguous.

SECTION 6.4 - Hierarchy of Zoning Districts

The zoning districts for Residential Districts and Commercial Districts set out in Section 6.1 are listed in order from the most restrictive to the least restrictive. When, under the provisions of this Ordinance or for some other reason, it is necessary to determine whether one district is more or less restrictive than another, the listing in Section 6.1 may be used to make that determination.

SECTION 6.5 - Zoning Annexed Territory

- A. Annexation by the City of Canton shall be carried out in accordance with the procedures outlined in Chapter 43 of the Texas Local Government Code.
- B. The owner of land to be annexed should submit an application to zone the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification. Zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption has occurred and as a separate and distinct action by the City Council. It is the intent of the City of Canton that property be zoned immediately upon annexation wherever possible to ensure adjacent property owners are aware of the intended uses and to reduce the need for future rezonings.
- C. If the zoning of the property was not approved concurrently with the annexation proceedings, it shall be automatically zoned RA-Rural Agricultural District until it is rezoned to another zoning classification. It is anticipated that agriculture zoned land will eventually be zoned to another more permanent, urban zoning classification in the future.
- D. Following annexation, the City Council shall, on its own motion or by application from the property owners of the annexed area, initiate proceedings to establish the initial zoning on the newly annexed territory.
- E. The initial zoning of a land parcel after annexation, whether by initiation of the landowner or by initiation of the City, shall meet the requirements for notification and public hearings as set forth in this ordinance and all other applicable state laws.
- F. Since RA-Rural Agricultural zoning is considered temporary, then changing the RA-Rural Agricultural zoning to the permanent zoning shall be considered an initial zoning, not a rezoning and the protest rules of a rezoning shall not apply to the initial zoning.

SECTION 6.6 - Interpretation of District Regulations

- A. Permitted uses and Specific Permitted Uses are listed for the various zoning districts governed by this Ordinance. Any use not specifically permitted in a specified district or districts as a use by right or a Specific Permitted Use shall be prohibited.
- B. No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a use by right or a Specific Use Permit as regulated by the provisions for such use and the applicable district requirements of this Ordinance.
- C. No use of a structure or land that is designated as a Specific Permitted Use in any district shall be established or hereafter changed to another use designated as a Specific use, unless a Specific Use Permit has been secured from the City Council.
- D. No fence, wall, accessory use or structure or home-based business shall be hereafter established, altered or enlarged unless in accordance with the provisions of this Ordinance.
- E. Within each zoning district there are additional regulations referenced that are directly applicable to uses permitted in the district.

SECTION 6.7 - Special Provisions for Lots Divided by District Boundaries

Where any lot is located in two (2) or more zoning districts in which different uses are permitted, or in which different dimensional requirements, bulk, accessory off-street parking and loading, or other regulations apply, the regulations of the zoning district which constitutes the majority of the area of the lot shall apply.

SECTION 6.8 - Uniform Application of District Regulations

- A. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- B. No land shall be used for and no building shall be erected for, or converted to, any use other than provided in the regulations for the district in which it is located, except as hereinafter prescribed.

SECTION 6.9 - RA – Rural Agricultural District

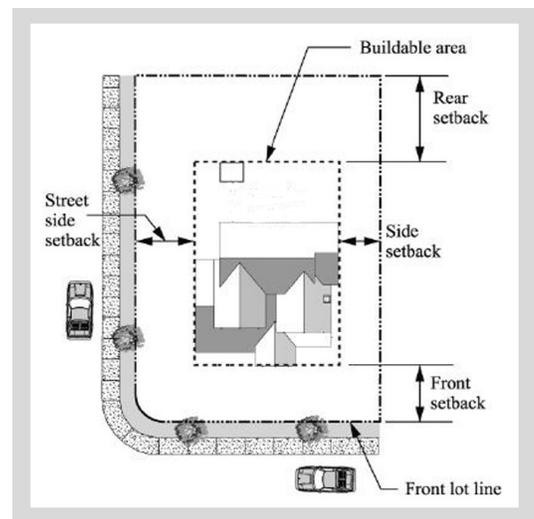
6.9.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for areas of the city on the outer edge of urbanized development in which urban usage is usually premature due to the lack of adequate utility services or transportation systems. It is possible that this district will be changed to more intense urban zoning districts as utility services can be feasibly extended and the undeveloped areas within existing service limits are used up or become in short supply. Uses within this district are mostly related to farming or semi-urban functions and are not necessarily compatible with higher density residential development.

All territory hereafter annexed to the City of Canton shall be temporarily classified as RA-Rural Agricultural District, until permanent zoning is established by the City Council of the City of Canton as provided in this Ordinance.

6.9.2 - AREA REGULATIONS

- A. Size of Lots
 - 1. **Minimum Lot Area** – Five (5) acres
 - 2. **Minimum Lot Width** – 150 feet
- B. Size of Setbacks
 - 1. **Minimum Front Setback** – 25 feet
 - 2. **Minimum Side Setback** – 25 feet
 - 3. **Minimum Rear Setback** – 25 feet
- C. **Maximum Lot Coverage** – 15%
- D. **Minimum Dwelling Size** – 1,600 square feet
- E. **Maximum Building Height** - 35 feet for the primary structure
- F. **Maximum overhang** – 30 inches



6.9.3 - PARKING REQUIREMENTS

Parking shall be provided as per Article 7 – Parking Requirements

6.9.4 - DESIGN STANDARDS

- A. Unconventional construction, including, but not limited to, geodesic dome, earth shelter housing, log cabins, A-frames or flat roof construction may be permitted in accordance with requirements established by the City.
- B. Agricultural uses
 - 1. No agricultural structures shall be closer than one hundred (100) feet to any residential structure.
 - 2. An agricultural structure shall not exceed forty-five (45) feet in height.
- C. Accessory structures. No accessory structure, excluding fences or walls shall be closer to any property line than the required yard setbacks.
- D. Additional design standards are found in Article 9 – Design Standards.

6.9.5 - RA – RURAL AGRICULTURAL PERMITTED USE TABLE

All allowed and permitted uses in the RA–Rural Agricultural District must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table. R-1 - Single Family Detached Residential District.

SECTION 6.10 - R-1 – Single Family Detached Residential District

6.10.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for low density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage low density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

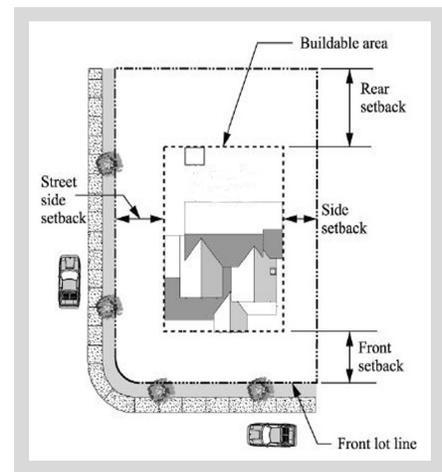
6.10.2 - AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 10,000 square feet
2. **Minimum Lot Width** – 70 feet
3. **Minimum Lot Depth** – 110 feet

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet
2. **Minimum Side Setback** – 8 feet from an interior lot; 15 feet from a side street
3. **Minimum Rear Setback** – 20 feet
4. **Garage Door** – The door of a garage facing a street or ROW must be set back at least 18 feet to avoid encroachment.



C. Maximum Lot Coverage – 50 percent.

D. Minimum Dwelling Unit Area – 1,600 square feet

E. Maximum Height – 35 feet

F. Maximum Overhang – 30 inches

6.10.3 - PARKING REQUIREMENTS

Parking shall be provided as per Article 7 – Parking Requirements.

6.10.4 - DESIGN STANDARDS

A. Accessory structures

1. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure;
2. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

3. Monuments, statue and/or other similar landscape features may be permitted in public park, school or in place for Religious Assembly in accordance with Appendix 11.3 Monuments, Statues and Landscape Features.

B. Additional design standards are found in Article 9 – Design Standards

6.10.5 - R-1 – SINGLE FAMILY DETACHED RESIDENTIAL PERMITTED USE TABLE

All allowed and permitted uses in the R-1 – Single Family Detached Residential District must be in accordance with the Use Chart contained in 11.1, Permitted Use Table

SECTION 6.11 - R-2 – Single Family Detached Residential District

6.11.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for medium density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage medium density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

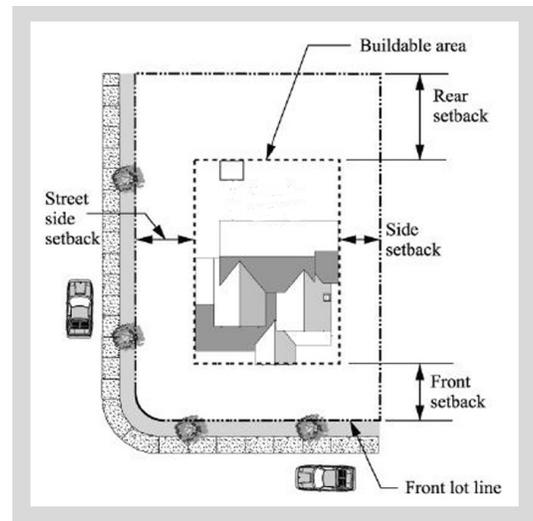
6.11.2 - AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 7,500 square feet.
2. **Minimum Lot Width** – 60 feet.
3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – 7 feet from an interior lot; 15 feet from a side street.
3. **Minimum Rear Setback** – 20 feet.
4. **Garage Door** – The door of a garage facing a street or ROW must be set back at least 18 feet to avoid encroachment



C. Maximum Lot Coverage – 50 percent.

D. Minimum Dwelling Unit Area – 1,400 square feet.

E. Maximum Height – 35 feet.

F. Maximum Overhang – 30 inches.

6.11.3 - PARKING REQUIREMENTS

Parking shall be provided as per Article 7 – Parking Requirements.

6.11.4 - DESIGN STANDARDS

A. Accessory Structures

1. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure;
2. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
3. Monument, statue and/or other similar landscape features may be permitted in public park, school or in place for Religious Assembly in accordance with Appendix 11.3 Monuments, Statues and Landscape Features.

B. Additional design standards are found in Article 9 – Design Standards.

6.11.5 - R-2 – SINGLE FAMILY DETACHED RESIDENTIAL PERMITTED USE TABLE

All allowed and permitted uses in the R-2 – Single Family Detached Residential District must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table.

SECTION 6.12 - R-3 - Single Family Detached Residential District

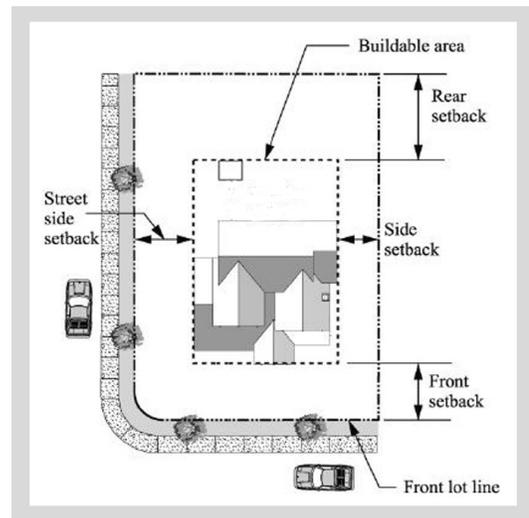
6.12.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for medium density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such further development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage medium density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

6.12.2 - AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 6,000 square feet. However, studies have shown that subdivisions with a variety of lot sizes hold their property values longer and are more likely to be maintained over time with less substandard housing/code enforcement issues. All subdivisions of R-3 zoned property more than five (5) acres in size and platted after May 17, 2022, shall meet the following minimums and provide the following ratios of minimum lot sizes in the approved and recorded plat:
 - a. 6,000 square feet minimum – no more than 40% of the platted lots
 - b. 7,500 square feet minimum – at least 30% of the platted lots



- c. 10,000 square feet minimum – at least 20% of the platted lots

R-3 properties platted in phases after May 17, 2022, with a cumulative total of the phases in excess of five (5) acres, must also comply with this provision throughout the phases. R-3 properties desiring to use a different ratio of lot sizes in order to create open space, create a trail system and more walkability, protect flood plains or utilize cluster housing concepts, may apply for a Planned Development District (PD) in Section 6.24, which is approved by the City Council, will provide more flexibility.

- 2. **Minimum Lot Width** – 50 feet

- 3. **Minimum Lot Depth** – 100 feet

B. Size of Setbacks

- 1. **Minimum Front Setback** – 20 feet.
- 2. **Minimum Side Setback** – 5 feet from an interior lot; 10 feet from a side street.
- 3. **Minimum Rear Setback** – 15 feet
- 4. **Garage Door** – The door of a garage facing a street or ROW must be set back at least 18 feet to avoid encroachment

- C. **Maximum Lot Coverage** – 50 percent

- D. **Minimum Dwelling Unit Area** – 1,250 square feet

- E. **Maximum Height** – 35 feet

- F. **Maximum Overhang** – 30 inches

6.12.3 - PARKING REQUIREMENTS

Parking shall be provided as per Article 7 – Parking Requirements

6.12.4 - DESIGN STANDARDS

A. Accessory Structures

- 1. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure
- 2. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height
- 3. Monument, statue and/or other similar landscape features may be permitted in public park, school or in place for Religious Assembly in accordance with Appendix 11.3 Monuments, Statues and Landscape Features

- B. Additional design standards are found in Article 9 – Design Standards

6.12.5 - R-3 – SINGLE FAMILY DETACHED RESIDENTIAL PERMITTED USE TABLE

All allowed and permitted uses in the R-3 – Single Family Detached Residential District must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table.

SECTION 6.13 - R-4 – Manufactured Housing District

6.13.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for an efficient and economic use of land together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development. The provisions of this district are intended to protect and stabilize the essential characteristics of single-family development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage development to occur where public facilities and services and other factors are available which are conducive to such residential development; and to discourage any activities not compatible with such residential development.

6.13.2 - AREA REGULATIONS FOR RESIDENTIAL USES

- A. Size of Lots
 - 1. **Minimum Lot Area** – 5,000 square feet
 - 2. **Minimum Lot Width at Building Line** – 50 feet
 - 3. **Minimum Lot Depth** – 90 feet
- B. Size of Setbacks
 - 1. **Minimum Front Setback** – 20 feet
 - 2. **Minimum Side Setback** – 7 feet from an interior lot; 15 feet from a side street
 - 3. **Minimum Rear Setback** – 20 feet
- C. **Maximum Building Height of Principal Structures** – 35 feet
- D. **Minimum Dwelling Unit Area** – 800 square feet
- E. **Maximum Lot Coverage** – 50 percent
- F. **Maximum Overhang** – 30 inches

6.13.3 - DESIGN STANDARDS

- A. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height
- B. Accessory structures
 - 1. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than three (3) feet as measured from the overhang of the accessory structure.
 - 2. An accessory structure shall not exceed two (2) stories of twenty-five (25) feet in height.
- C. Monument, statue and/or other similar landscape feature in a public park, school, or in connection with Religious Assembly only in accordance with Appendix 11.3 Monuments, Statues and Landscape Features.

D. Additional Requirements

1. **Definitions.** All manufactured housing permitted by this Ordinance shall be identified according to Article 9 Definitions
2. **Underpinned/Skirted.** All single and multi-section manufactured homes shall comply with the following requirements:
 - a. Be completely around the structure from the base of the manufactured home to the ground level beneath
 - b. Be of material with similar appearance to the manufactured home or masonry material
 - c. Be weather-resistant material and material specifically designed by the manufactured home manufacturers for skirting (not to be construed to mean sheet metal or scrap metal or polyurethane scrap material)
 - d. Be skirted in such a way as not to allow access to the underside of the manufactured home for storage and/or trash accumulation, but access only for repair purposes to the manufactured home
 - e. Be approved at the time the building permit is issued
3. **Permanent Foundation.** All single and multi-section manufactured homes shall be placed on a permanent foundation that is “constructed of durable materials (concrete, mortared masonry, treated wood) and site built. It shall have attachment points to anchor and stabilize the manufactured home to transfer all loads to underlying soil or rock.
4. **Construction Standards.** The following requirements relate to modular housing not bearing a modular decal of the Texas Department of Licensing and Registration:
 - a. Any home built outside of the City of Canton to be moved into the City shall be built according to the building codes most recently adopted by the City of Canton including the following building codes:
 - (1) Building Code
 - (2) Electrical Code
 - (3) Plumbing Code
 - (4) Heating and Air Conditioning Code
 - b. Must have a Certificate of Compliance by a registered architect or engineer or be inspected by the City of Canton
5. **Building Permit**

All manufactured housing permitted by this Ordinance, that is not installed by a licensed retailer or installer, must be issued a building permit before it is brought to a site, the same as for site-built housing.

6.13.4 - R-4 – MANUFACTURED HOUSING DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the R-4 – Manufactured Housing District must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table

SECTION 6.14 - MF-1 – Multiple Family Residential 1 District

6.14.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for an efficient and economic use of land at a low/medium density of multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provision of this district are intended to encourage such development projects to locate within close proximity to activity centers; to serve as a buffer between low intensity land uses and other more intense land uses; to avoid undue traffic congestion on minor streets by directing such new development to abut upon or have relatively close access to major transportation arteries, to provide for the development of projects in areas where such projects could be logically integrated with or located near medium density, single family areas or in transitional areas on land where the clustering of units would permit the most effective utilization of such land, while preserving open space and other natural features; to encourage privacy, internal stability, attractiveness, order and efficiency in the areas by providing for adequate light, air and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

6.14.2 - AREA REGULATIONS – SINGLE FAMILY ATTACHED – DUPLEXES TO QUADRAPLEXES

A. Size of Lots

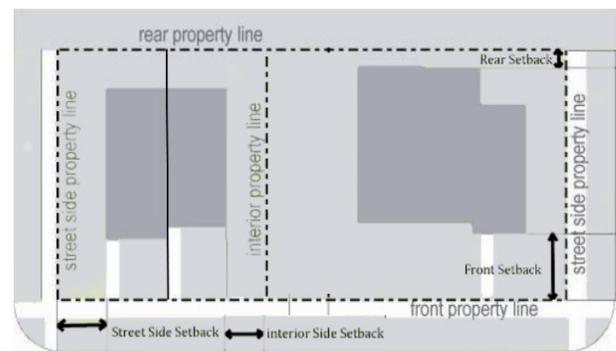
1. **Minimum Lot Area**

- a. **Duplexes** - 7,500 square feet
- b. **Triplexes and Quadraplexes** – 10,000 square feet

2. **Minimum Lot Width**

- a. **Duplexes** – 75 feet
- b. **Triplexes and Quadraplexes** – 100 feet

3. **Minimum Lot Depth** – 100 feet



B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet
2. **Minimum Side Setback** – 15 feet from an interior lot and 8 feet from a side street
3. **Minimum Rear Setback** – 20 feet

C. **Maximum Lot Coverage** – 50% percent

D. **Minimum Dwelling Unit Area** – Single-family residence – 1,250 square feet Duplex, triplex, quadraplex – 1,000 square feet

E. **Maximum Overhang** – 30 inches

F. **Maximum Height of Principal Structures** – 35 feet

6.14.3 - PARKING REQUIREMENTS

Parking shall be provided as per Article 7 – Parking Requirements.

6.14.4 - DESIGN STANDARDS

- A. Maximum number of units per development under this zoning; unit defined as one duplex, triplex, quadraplex or townhome building is six (6) units
- B. Accessory Structures
 - 1. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure;
 - 2. An accessory structure shall not exceed one (1) story or fifteen (15) feet in height.
 - 3. Monument, statue and/or other similar landscape feature may be permitted in a public park, school or in connection with Religious Assembly only in accordance with Appendix 11.3 Monuments, Statues and Landscape Features.
- C. Additional design standards are found in Article 9 – Design Standards.

6.14.5 - MF-1 – MULTIPLE FAMILY 1 DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the MF-1 – Multiple Family 1 Housing District must be in accordance with the Use Chart above and Appendix 11.1, Permitted Use Table.

SECTION 6.15 - MF-2 – Multiple Family Residential 2 Districts

6.15.1 – GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for an efficient and economic use of land at a medium/high density of multiple family housing types including apartments together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provision of this district are intended to encourage such development projects to locate within close proximity to activity centers; to serve as a buffer between low intensity land uses and other more intense land uses; to avoid undue traffic congestion on minor streets by directing such new development to abut upon or have relatively close access to major transportation arteries, to provide for the development of projects in areas where such projects could be logically integrated with or located near medium density, single family areas or in transitional areas on land where the clustering of units would permit the most effective utilization of such land, while preserving open space and other natural features; to encourage privacy, internal stability, attractiveness, order and efficiency in the areas by providing for adequate light air and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

6.15.2 - AREA REGULATIONS

- A. Size of Lots
 - 1. **Minimum Lot Area**
 - a. **Multiple Family (apartments)** – 20,000 square feet plus enough acreage to meet the maximum density of 24 units per acre
 - b. **Duplexes** - 7,500 square feet

- c. **Triplexes and Quadraplexes** – 10,000 square feet

2. **Minimum Lot Width**

- a. **Duplexes** – 75 feet
- b. **All others** – 100 feet

B. 3. **Minimum Lot Depth** – 100 feet

Size of Setbacks



- 1. **Minimum Front Setback** – 25 feet

2. **Minimum Side Setback**

- a. **Duplexes, Triplexes and Fourplexes** - 8 feet from an interior lot
- b. **All Others** – 20 feet
- c. **Side Street** – 20 feet

- 3. **Minimum Rear Setback** – 20 feet

- 4. **Minimum Rear Setback** – 20 feet

C. Single Family Detached Dwellings

- 1. **Minimum Lot Area** - 7,500 square feet

- 2. **Minimum Lot Width and Building Line** – 75 feet

- 3. **Minimum Lot Depth** – 100 feet

4. **Size of Setbacks**

- a. **Minimum Front Setback** – 25 feet

- b. **Minimum Side Setback** – 8 feet from an interior lot and 15 feet from a side street

- D. **Maximum Density** – 24 dwelling units per net acre

- E. **Maximum Lot Coverage** –30% percent

- F. **Minimum Dwelling Unit Area** – Single-family residence – 1,250 square feet
 Duplex, triplex, quadraplex – 1,000 square feet
 Apartment – 650 square feet

- G. **Maximum Overhang** – 30 inches

- H. **Maximum Height of Principal Structures** – 35 feet

6.15.3 - PARKING REQUIREMENTS

Parking requirements may be found in Article 7 – Parking Requirements

6.15.4 - DESIGN STANDARDS

A. Accessory Structures

1. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure;
2. An accessory structure shall not exceed one (1) story or fifteen (15) feet in height.
3. Monument, statue and/or other similar landscape feature may be permitted in a public park, school or in connection with Religious Assembly only in accordance with Appendix 11.3 Monuments, Statues and Landscape Features.

B. Additional design standards are found in Article 9 – Design Standards.

6.15.5 - MF-2 MULTI-FAMILY RESIDENTIAL 2 PERMITTED USE TABLE

All allowed and permitted uses in the MF-2 Multi-family Residential 2 district must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table.

SECTION 6.16 - MH - Manufacturing Home Park District

6.16.1 – GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for manufactured housing park developments together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential surroundings of this nature. The district is specifically designed to accommodate in such developments, manufactured homes on rented parcels at acceptable densities; to accommodate the housing needs of those residents who prefer manufactured home living and of those who desire an economic alternative to conventional dwellings; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative close access to major transportation arteries; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement; to protect manufactured home parks from encroachment by incompatible uses; to insure that manufactured homes are located on lots that are adequate distances from one another to prevent hazardous conditions caused by man or nature; and to protect other zoning districts from encroachment by nonconforming manufactured homes.

6.16.2 - AREA REGULATIONS FOR RESIDENTIAL USES

A. Size of Lots

1. **Minimum Park Areas** – 10 acres
2. **Maximum Density** – 8 units to the acre
3. **Minimum Setback from Park Boundary** – 35 feet
4. **Minimum Unit Lot Area** – 5,000 square feet
5. **Minimum Horizontal Distance Between Manufactured Homes**
 - a. **Side to Side** – 25 feet
 - b. **End to End** – 15 feet

- c. **Side to End – 15 feet**
- 6. **Minimum Horizontal Distance between the Corners of Adjacent Manufactured Homes that Do Not Face Each Other or Overlap - 15 feet**
- 7. **Minimum Horizontal Distance Between a Manufactured Home and a Manufactured Home Park Access or Circulation Drive – 25 feet**
- 8. **Maximum Overhang – 30 inches**

6.16.3 - DESIGN STANDARDS

A. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height

B. Manufactured Home Lot Standards

Each manufactured home shall be located on a space or lot that will permit each unit to be sufficiently supported and anchored in accordance with the Administrative Rules of the Texas Department of Housing and Community Affairs, as amended.

C. Each approved manufactured home shall be clearly defined by markers that physically delineate as to the location of each said space or lot within a park development

D. Skirting.

A skirt or apron which is continually and properly maintained shall be required to surround each manufactured home between the bottom of the unit and the ground. The skirt of all single and multi-section manufactured homes shall comply with the following requirements:

- 1. Be completely around the structure from the base of the manufactured home to the ground level beneath;
- 2. Be of fire-resistant material with similar appearance to the manufactured home or masonry material;
- 3. Be weather-resistant material and material specifically designed by the manufactured home manufacturers for skirting (not to be construed to mean scrap metal or scrap material);
- 4. Be skirted in such a way as not to allow access to the underside of the manufactured home for storage and/or trash accumulation, but access only for repair purposes to the manufactured home;
- 5. Be approved at the time the building permit is issued, at completion of installation and before certificate of occupancy is issued.

E. Permanent Foundation.

All single and multi-section manufactured homes shall be placed on a permanent foundation that is “constructed of durable materials (concrete, mortared masonry, treated wood) and site built. It shall have attachment points to anchor and stabilize the manufactured home to transfer all loads to underlying soil or rock.

F. Street or Driveway Improvements

All street or driveways shall be paved in accordance with the subdivision requirements in effect at the time of construction.

G. Street Lighting

All streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 foot-candles.

H. Usable Open Space

A minimum of twenty (20) percent of the gross usable land area within the manufactured home park boundaries shall be designed for use as an active and/or passive recreational area(s).

I. Parking

No parking shall be allowed on any manufactured home park paved access or circulation drives.

J. Monument, statue and/or other similar landscape feature in a public park, school or in connection with Religious Assembly only in accordance with Appendix 11.3 Monuments, Statues and Landscape Features.

K. Manufactured Home Sales

1. The sale of new and used manufactured homes shall be permitted within the boundaries of an approved manufactured home park when clearly incidental to the operation of said park, subject to the following conditions which are intended to protect the residential characters of the park:

2. Allowable Number

The number of manufactured homes for sale shall not exceed ten (10) percent of the total number of approved manufactured home spaces in the manufactured home park.

3. Location

Manufactured homes for sale shall be located only on approved manufactured home spaces in the manufactured home park, and subject to the same setbacks and yard requirements as occupied by manufactured homes.

4. Maintenance

There shall be no renovating, overhaul, or repair to manufactured homes offered for sale within the manufactured home park. However, customary maintenance shall be permitted such as would be allowed for an occupant while living in a manufactured home.

6.16.4 - MH – MANUFACTURED HOME PARK DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the MH Manufactured Home Park district must be in accordance with the Use Chart above and Appendix 11.1, Permitted Use Table.

SECTION 6.17 - RPO – Restricted Professional and Office District

6.17.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for the use and grouping of professional small offices and related facilities with limited non-residential use in areas near or adjoining residential zoned districts without introducing non-related commercial use capable of adversely affecting near or adjoining residential zoned districts.

6.17.2 - AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 7,500 square feet
2. **Minimum Lot Width at Building Line** – 75 feet
3. **Minimum Lot Depth** – 100 feet

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet
Minimum Side Setback – 8 feet from an interior lot; 15 feet from a side street
Minimum Rear Setback – 20 feet

C. **Maximum Lot Coverage** – 60% percent

D. **Maximum Height of Principal Structure**– 35 feet

6.17.3 - PARKING REQUIREMENTS

Parking requirements may be found in Article 7 – Parking Requirements.

6.17.4 - LANDSCAPE REQUIREMENTS

Landscape requirements may be found in Article 8 – Landscape Requirements.

6.17.5 - DESIGN STANDARDS

- A. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure.
- B. An accessory structure shall not exceed two (2) stories of twenty-five (25) feet in height.
- C. Additional design standards are found in Article 9 – Design Standards.

6.17.6 RPO – RESTRICTED PROFESSIONAL AND OFFICE DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the Restricted Professional and Office district must be in accordance with the Use Chart contained I Appendix 11.1, Permitted Use Table.

SECTION 6.18 - B-1 – Local Business District

6.18.1 – GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for a limited number of existing or potential low intensity office, business and commercial facilities. The provisions of this district are intended to permit the continuance of existing and compatible business and commercial developments which benefit from being in close proximity and business establishments particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

6.18.2 - AREA REGULATIONS

- A. Size of Lots
 - 1. **Minimum Lot Area** – None
 - 2. **Minimum Lot Width** – None
 - 3. **Minimum Lot Depth** – None
- B. Size of Setbacks
 - 1. **Minimum Front Setback** – 25 feet
 - 2. **Minimum Side Setback** – 15 feet for a street side setback; 25 feet for all properties abutting to a residential structure or zoning district on an interior side setback; otherwise none
 - 3. **Minimum Rear Setback** – 25 feet for all properties abutting to a residential structure or zoning district on an interior side setback; otherwise none.
- C. Maximum Lot Coverage – None
- D. Maximum Height – 35 feet

6.18.3 - PARKING REQUIREMENTS

Parking requirements may be found in Article 7 – Parking Requirements

6.18.4 - LANDSCAPE REQUIREMENTS

Landscape requirements may be found in Article 8 – Landscape Requirements

6.18.5 - DESIGN STANDARDS

- A. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
- B. Additional Requirements
 - 1. No parking, storage or similar use shall be permitted in the required front yards of this district, except that automobile parking is permitted in such yards if the parking area is at least one hundred (100) feet from any single-family residential district.
 - 2. No parking, storage or similar use shall be permitted in any required side yard (interior or street) of this district adjoining a single-family residential district.

- C. Additional design standards are found in Article 9 – Design Standards

6.18.6 – B-1 LOCAL BUSINESS DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the B-1 Local Business District must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table.

SECTION 6.19 - B-2 – General Business District

6.19.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest than those found in the local business district. The provisions of this district are intended to encourage general commercial development to occur along major arteries where sites are adequate for an integrated design of commercial and business establishments particularly adjacent to major intersections where such development could most adequately service the needs of the community's residents and those of the traveling public without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

6.19.2 – AREA REGULATIONS

- A. Size of Lots
 - 1. **Minimum Lot Area** – None
 - 2. **Minimum Lot Width** – None
 - 3. **Minimum Lot Depth** – None
- B. Size of Setbacks
 - 1. **Minimum Front Setback** – 25 feet.
 - 2. **Minimum Side Setback** –15 feet for a street side setback. 25 feet for all properties abutting to a residential structure or zoning district on an interior side setback; otherwise none.
 - 3. **Minimum Rear Setback** –25 feet for all properties abutting to a residential structure or zoning district on an interior side setback; otherwise none.
- C. **Maximum Lot Coverage** – None
- D. **Maximum Height** – 35 feet *up to 50 feet may be allowed with a Specific Use Permit (SUP)*

6.19.3 - PARKING REQUIREMENTS

Parking requirements may be found in Article 7 – Parking Requirements

6.19.4 - LANDSCAPE REQUIREMENTS

Landscape requirements may be found in Article 8 – Landscape Requirements

6.19.5 - DESIGN STANDARDS

- A. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
- B. Additional design standards are found in Article 9 – Design Standards

6.19.6 - B-2 GENERAL BUSINESS DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the B-2 General Business District must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table.

SECTION 6.20 - FMB-A1 - First Monday Business District Area #1

6.20.1 - GENERAL PURPOSE AND DESCRIPTION

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 of legal merchandise to the general public; to encourage such facilities to locate on land that is physically capable of supporting this type 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.

6.20.2 - AREA REGULATIONS

- A. **Minimum Market Area** – 10 acres
- B. **Vendor and/or Structure Setbacks**
 - 1. **Minimum Front Setback** – 25 feet
 - 2. **Minimum Side Setback** – 25 feet for a street side setback; 15 feet interior sides
 - 3. **Minimum Rear Setback** – 25 feet
- C. **Maximum Lot Coverage** – None
- D. **Maximum Height of Structures** – 40 feet

6.20.3 - HOURS OF OPERATION

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

- A. **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.
- B. **Sales**

The dates for the actual sale of merchandise shall be from Thursday to Sunday of First Monday Operations

6.20.4 - FMB-A1 – FIRST MONDAY BUSINESS DISTRICT AREA #1 PERMITTED USE TABLE

All allowed and permitted uses in the First Monday Business District Area #1 must be in accordance with the Use Chart contained I Appendix 11.1, Permitted Use Table.

6.20.5 - PERMITTED USES WITH CITY REGISTRATION

A. First Monday Overnight Accommodation

1. 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 registration is \$10.00 for each building and shall remain valid for a twelve (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.
2. The registration is not transferrable upon the sale or transfer of ownership of the building. Each transfer of the building will require issuance of a new registration.
3. 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.
4. 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.
5. Each building which has been issued a First Monday Accommodation registration must be addressed with four (4) 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.

6.20.6 - USES NOT ALLOWED

First Monday Business Districts are not intended for permanent residences or long-term stays (i.e. over ten (10) continuous days or over ten (10) days in a calendar month) of any kind. The RV stay must be in conjunction with a particular special event or First Monday.

SECTION 6.21 - FMB-A2 – FIRST MONDAY BUSINESS DISTRICT AREA #2

6.21.1 - GENERAL PURPOSE AND DESCRIPTION

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.

6.21.2 - AREA REGULATIONS

A. Minimum Market Areas – 10 acres.

B. Vendor and/or Structure Setbacks:

1. **Minimum Front Setback** – 25 feet
2. **Minimum Side Setback** –25 feet for a street side setback. 15 feet interior sides
3. **Minimum Rear Setback** –25 feet

- C. **Maximum Lot Coverage** – None
- D. **Maximum Height of Structures** – 40 feet

6.21.3 - 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, but 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.

6.21.4 - FMB-A2 – FIRST MONDAY BUSINESS DISTRICT AREA #2 PERMITTED USE TABLE

All allowed and permitted uses in the FMB-A2 First Monday Business District Area #2 must be in accordance with the Use Chart contained in Appendix 11.1, Permitted Use Table, with City Registration.

6.21.5 - FIRST MONDAY OVERNIGHT ACCOMMODATION

- A. 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 registration is \$10.00 for each building and shall remain valid for a twelve (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.
- B. The registration is not transferrable upon the sale or transfer of ownership of the building. Each transfer of the building will require issuance of a new registration.
- C. 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.
- D. 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.
- E. Each building which has been issued a First Monday Accommodation registration must be addressed with four (4) 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.

6.21.6 - USES NOT ALLOWED

First Monday Business Districts are not intended for permanent residences or long-term stays (i.e. over ten (10) continuous days or over ten (10) days in a calendar month) of any kind. The RV stay must be in conjunction with a particular special event or First Monday.

SECTION 6.22 - GD – GATEWAY DISTRICT

6.22.1 - GENERAL PURPOSE AND DESCRIPTION

The intent of the creation of the Gateway District is to provide support for the development of a unified area with a distinct identity as a mixed-use development within the City of Canton. It is intended to improve the aesthetics of the area as well as aid in the new development of the Corridor.

6.22.2 - AREA REGULATIONS

- A. Size of Lots
 - 1. **Minimum Lot Area** – 10,000 square feet
 - 2. **Minimum Lot Width** – 75 feet
- B. Size of Setbacks
 - 1. **Minimum Front Setback** – 25 feet
 - 2. **Minimum Side Setback** – 15 feet if adjacent to a residential structure or zoning district, otherwise 10 feet. May be reduced by five (5) feet with added buffering.
 - 3. **Minimum Rear Setback** – 15 feet if adjacent to a residential structure or zoning district, otherwise 10 feet. May be reduced by five (5) feet with added buffering.
- C. **Maximum Lot Coverage** – 50% percent
- D. **Maximum Height** – 3 stories or 45 feet for the primary structure
- E. **Building Separation** – 10 feet

6.22.3 - PARKING REQUIREMENTS

- A. Parking shall conform to the standards of the City of Canton Zoning Ordinance under Article 7 and East Texas Council of Governments (ETCOG) Specifications.
- B. Parking reduction of up to 15% may be allowed if the proposed landscape exceeds the minimum by 15%.

6.22.4 - SITE LAYOUT

Circulation between development sites shall be required in order to provide all development sites with street access and to smooth the flow of traffic both on site and on the public roadways. Joint access easements between development sites shall be provided. One (1) curb cut shall be allowed for each seventy-five (75) feet of frontage, but curb cuts may not be closer than one hundred (100) feet centerline to centerline.

6.22.5 - ARCHITECTURAL STANDARDS

- A. Materials shall be in accordance with Section 9.2.2. Building Façade Requirements. In addition, the following shall be met.
- B. Design
 - 1. Each building (new construction) must contain a minimum of two (2) roof pitches or two (2) roof elevations. Window articulation and character detail is encouraged.
 - 2. No structure shall have a balcony or veranda facing the roadway.

6.22.6 - LANDSCAPING AND STREETSCAPE

A. Landscaping

Each lot shall maintain a minimum of twenty (20%) percent of the site in landscaping.

1. The amount of landscaping may be reduced by one hundred twenty (120) square feet for each additional three (3) inch caliper tree which is planted. In no case shall the landscape area be less than fifteen (15%) percent of the site area.
2. This requirement does not include the trees which are required for parking areas or streetscaping. One (1) tree shall be provided for each five (5) parking spaces within the parking lot area. Irrigation must be supplied for all landscaping.

B. Streetscaping

1. A buffer area shall be placed adjacent to the roadway by placing a solid shrub hedge, berm or combination of these.
2. All trees shall be a species approved by the City of Canton's approved plant list.
3. A buffer area shall be placed adjacent to the roadway by placing a minimum three (3) foot high solid shrub hedge, berm, or combination of these, but not exceed five (5) feet in height.
4. In no case shall the slope of a berm exceed 3:1 unless it is being retained on the private property side of the berm.
5. Railroad ties may not be used for retaining.
6. The three (3) foot high berm shall be used along the frontage as the screening method along the roadway, unless prevented due to unique site conditions.
7. The berm will need to be located at least ten (10) feet from the edge of pavement.

C. Buffer Landscaping Materials

1. Landscape plants shall not include plastic or other artificial materials.
2. The following minimum plant sizes shall be used:

Landscape Element	Minimum Size at Planting
Shade tree	3-inch caliper, balled and burlapped
Ornamental tree	2-inch caliper, balled and burlapped
Evergreen tree	8 feet in height, balled and burlapped
Shrub	5-gallon container
Perennial/ornamental grass/ground cover	1-gallon container

D. Additional Landscape Requirements:

1. All calipers are measured six (6) inches above the finish planting grade.
2. Two root barriers shall be installed for all new trees planted adjacent to existing or proposed sidewalks and paving.

E. Appropriate plants include, but are not limited to:

1. Deciduous trees including Maple, Oak, Birch, Beech, Linden, Honey Locust, Ash, and Gingko.
 2. Deciduous shrubs (shrub like) trees including Dogwood, Redbud, Flowering Crab, Hawthorn, Magnolia, and Fruit (pear, cherry, plum, peach).
 3. Shrubs including Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, and Sumac.
 4. Evergreens including Pine, Fir, spruce, Hemlock, Juniper, and Arborvitae.
 5. Xeriscape (landscape method that conserves water using drought-tolerant plants and planting techniques and native plants) is encouraged and recommend appropriate equivalent landscape.
 6. Existing trees, native vegetation, and rare plants shall be retained wherever possible and may be accepted in lieu of new plantings.
- F. All landscaping shall be designed to consider the site and surrounding properties by addressing sun, shade, and wind for increased energy efficiency.
- G. Deciduous trees shall be the preferred method of providing shade in parking lots and around structures.
- H. Evergreen trees shall be limited to windbreaks, screening, and accent purposes.
- I. Landscape Plan shall be provided with the site plan approving development in this district. The landscape plan shall include the following elements for review.
1. Boundaries, property lines, and dimensions.
 2. Existing trees and vegetation.
 3. The location and design of areas to be landscaped.
 4. The location and labels for all proposed plants.
 5. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, water features, street furniture, lights and courts or paved areas.
 7. Planting and installation details as necessary to ensure conformance with all required standards.
 8. A copy of the Covenants, Conditions and Restrictions which provides for landscaping and site maintenance.
- J. Maintenance
- Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.
1. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled and permanent irrigation systems.

K. Sidewalks

Sidewalks shall be placed on both sides of the street in accordance with Texas Department of Transportation standards.

6.22.7 - SIGNS

Signs shall not obstruct the visibility of traffic entering or leaving the public roadway. Any and all signs within the Gateway District shall conform to the City of Canton Sign Ordinance in place at the time the sign is constructed or the permit is issued, whichever is first.

6.22.8 - GD – GATEWAY DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the GD-Gateway District must be in accordance with the Use Chart contained I Appendix 11.1, Permitted Use Table.

SECTION 6.23 - GI-1 – GENERAL INDUSTRIAL DISTRICT

6.23.1 – GENERAL PURPOSE AND DESCRIPTION

The intent of this district is to provide sufficient space in approximate locations physically suitable for the development of certain types of retail-commercial sales and services, research operation, and wholesale and storage distribution concerns and enterprises engaged in general manufacturing, processing, and/or fabrication of products and machinery. The provisions of this district are intended to accommodate enterprises with functions requiring access to transportation services by providing them with locations that are in close proximity to major transportation facilities for the reception and eventual distribution of their goods and/or services; to require appropriate buffering around such development either through natural features or landscaping in an attempt to maintain its compatibility with surrounding land uses; to provide for the most efficient and economic use of land through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will require such development to occur where public facilities and services are existing or within plans for improvement.

6.23.2 – AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – None
2. **Minimum Lot Width** – None
3. **Minimum Lot Depth** – None

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet
2. **Minimum Side Setback** – 25 feet for a street side setback. None when the side yard abuts and is used for access to a railroad siding. 50 feet when the side setback abuts a residential district.
3. **Minimum Rear Setback** – 10 feet when no other conditions are existing. None when the rear yard abuts and is used for access to a railroad siding. 50 feet when the rear setback abuts a residential district.

C. Maximum Lot Coverage – None

D. Maximum Height of Principal Structure – 35 feet

6.23.3 - PARKING REQUIREMENTS

Parking requirements may be found in Article 7 – Parking Requirements.

6.23.4 - LANDSCAPE REQUIREMENTS

Landscape requirements may be found in Article 8 – Landscape Requirements.

6.23.5 - DESIGN STANDARDS

- A. No parking, storage or similar use shall be permitted in any required side yard (interior or street) of this district adjoining a single-family residential district.
- B. Additional design standards are found in Article 9 – Design Standards
- C. Additional requirements

- 1. Enclosed Operations

All manufacturing, assembling or processing located within one hundred (100) feet of any residential district of any kind except for storage and off-street parking and loading shall be conducted within completely enclosed structures.

- 2. Outdoor Storage

No outdoor storage of materials or products shall be permitted in any of the required yard setback areas.

6.23.6 - PERFORMANCE STANDARDS

- A. No industrial operation or use shall cause, create or allow the emission of air contaminants which at the emission point or within the boundary of the property are:
 - 1. In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ) including but not limited to those in Title 30 of the Texas Administrative Code or standards specified by the Texas Department of Health including but not limited to those in Title 25 of the Texas Administrative Code; or
 - 2. Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 1) above, except that when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered in compliance with this Section of the Ordinance.
- B. The emission of particulate matter from all sources shall not exceed the level specified by TCEQ regulations including by not limited to those in Title 30 of the Texas Administrative Code or the regulation specified by the Texas Department of Health including but not limited to those in Title 25 of the Texas Administrative Code.
- C. Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line of the tract on which the use is located.
- D. Odorous Matter - No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is

located. The odor threshold shall be determined by observation. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials ASTM D 1391-57 entitled “Standard Method for Measuring Odor in Atmospheres” shall be used and is incorporated by reference.

- E. Combustible or Explosive and Hazardous Material - No commercial or industrial use involving the manufacture or storage of petrochemical compounds or products which decompose by detonation shall be permitted in the City of Canton, except that chlorates, perchlorates, phosphorous, and similar substances and compounds in quantities of one (1) gallon or less for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Zoning Official and the Canton Fire Department. The storage of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film solvents and petrochemical product for industrial purposes shall be allowed only after a Specific Use Permit for such use has been granted in conformance with the terms of [Article 3](#) of this Ordinance.
- F. Toxic and Noxious Matter - No commercial or industrial operation or use permitted under the terms of this Ordinance shall emit toxic or noxious matter in concentrations across the boundary property line of the tract on which such operation or use is located.
- G. Vibration - No use permitted under the terms of this Ordinance shall at any time create earth borne vibration which when measured at the boundary property line of the source operation exceeds the limits of the displacement set forth in the table below:

Displacement Limits for Vibration

Frequency Cycles Per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

H. Glare

No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property.

6.23.7 - GI-1 – GENERAL INDUSTRIAL DISTRICT PERMITTED USE TABLE

All allowed and permitted uses in the GI-1 General Industrial District must be in accordance with the Use Chart above and Appendix 11.1, Permitted Use Table.

SECTION 6.24 - PD - Planned Development District

6.24.1 - PURPOSE

The Planned Development District, PD prefix, is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings such as office commercial centers, industrial parks, residential developments with multiple or mixed housing types, and to permit new and innovative concepts in land utilization.

After a public hearing has been convened and proper notice to all the affected property owners has been made in accordance with the provisions of this Ordinance, and after a recommendation by the Planning and Zoning Commission has been submitted, the City Council may authorize the creation of a (PD) Planned Development District for:

- A. Residential development on tracts of three (3) acres or more; or
- B. Mixed use development on tracts of two (2) acres or more.

6.24.2 - PERMITTED USES

Any use, including private clubs, shall be permitted if such use is specified in the ordinance granting a (PD) district, provided, however, that churches and other houses of worship are permitted uses by right in a (PD) district, even if such use is not specified in the ordinance. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Ordinance.

A. Home Upgrades:

- 1. 40 sq. ft. covered front porch = 200 points
- 2. 80 sq. ft. covered front porch = 500 points
- 3. Roof Pitch Over 6/12 Min. 3 Elevations = 100 points
- 4. Front Gables = 100 points
- 5. Landscaping Plan and One Hardwood Tree 4" = Caliper or Larger 150 points

Note: These deductions are per development phase, with a maximum of three (3) phases per (PD) qualifying for a deduction. This does not limit the phases in any given (PD).

B. Development Upgrades:

- 1. Mid-Block Mailbox Center = 100 points
- 2. Brick and/or Stone Main Entryway = 150 points

Example:	
6% for Parks	1,500
2 Tennis Courts (500 each)	1,000
1 Basketball Court	500
60 s.f. Front Porches in 3 phases (200 each)	<u>600</u>
TOTAL	3,600
10,000 s.f. Base Lot Size	
3,600 less Deduction Points	
6,400 s.f. Minimum Lot Size	

- C. The (PD) Planned Development District shall conform to all other applicable provisions of this Ordinance unless specifically excluded in the granting ordinance.
- D. In establishing a PD Planned Development District in accordance with this Ordinance, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD Planned Development District. During review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or development plan (or a detailed site plan).

6.24.3 - DEVELOPMENT REQUIREMENTS

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and may include, but not be limited to, uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, and other requirements as the City Council and the Planning and Zoning Commission may consider to be appropriate.
- B. All (PD) districts must have a sidewalk plan as a part of the granting ordinance.
- C. The following point system is established as a guide for those PD districts that deviate from a standard density found in this Ordinance. See Table 1.

TABLE 1.	
10,000 sq. ft. Base Lot Density	
1,000 points = 1,000 sq. ft. off Base Square Footage	
4,000 sq. ft. Minimum Lot Density	
Parks:	
4% of total development = 750 points	
6% of total development = 1,500 points	
8% of total development = 2,000 points	
Park Equipment:	
Tennis Court = 500 points	
Basketball Court = 500 points	
Baseball and/or Soccer Field = 500 points	

6.24.4 - CONCEPTUAL PLAN

This plan shall be submitted by the applicant. The plan shall show the applicant’s intent for the use of the land within the proposed PD district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.

6.24.5 - RESIDENTIAL CONCEPT PLAN

A conceptual plan for residential land use shall show general use, thoroughfare and preliminary lot arrangements. For a residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of the buildings and the building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, drainage areas and improvements and other pertinent development data.

6.24.6 - NONRESIDENTIAL CONCEPT PLAN

A concept plan shall be submitted with any nonresidential PD district zoning request and shall clearly show pertinent aspects of the type and nature of the proposed development. The concept plan shall show the types of use(s) proposed, access, topography and boundaries of the PD area, existing physical features of the site, existing and proposed streets, alleys, easements and lot lines, location of existing or proposed public facilities, building heights and locations, parking areas and ratios, fire lanes, screening and landscaped areas, drainage areas and improvements, project phasing and scheduling, and other pertinent development data to adequately describe the proposed development.

6.24.7 - SITE PLAN

A detailed site plan shall be submitted for approval (in accordance with the requirements of Section 3.3, Site Plan, and all other City ordinances as amended) within two (2) years from the approval of the concept plan for all or some portion or phase of the planned development covered by the overall concept plan. If a detailed site plan is not submitted within two (2) years, then the concept plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the concept plan is no longer valid or that the proposed development is no longer viable, then a new concept plan (along with a zoning application to amend the PD district ordinance and its accompanying concept plan) must be submitted for review and approval prior to detailed site plan review/approval for any portion of the (PD) District.

Compliance is required with the applicable provisions of the City's Building Façade Requirements set out in Section 9.2 of this Ordinance, unless the PD ordinance expressly provides otherwise.

6.24.8 - APPROVAL PROCESS AND PROCEDURE

- A. The procedure for establishing a PD Planned Development Zoning District shall follow the procedures for zoning amendments as set forth in Section 3.1 of this Ordinance. This procedure shall be expanded to include consideration and approval or denial of the concept plan and or the detailed side plan or preliminary plat for a residential PD district which is submitted along with the PD district zoning request application. The public hearings conducted for, and the subsequent actions taken upon the PD district zoning request, shall also include the accompanying concept plan and/or detailed site plan/preliminary plat.
- B. The ordinance establishing the PD district shall not be approved or adopted until the accompanying concept plan and/or a detailed site plan and/or a preliminary plat is approved by the City Council, after receiving the report and recommendation of the Planning and Zoning Commission, and all other procedural requirements set forth in this Ordinance are satisfied.
- C. All PD districts approved in accordance with the provisions of this Ordinance shall be referenced on the Zoning Map, and a list of such PD districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained by the City Secretary.

SECTION 6.25 – HD - Historic Preservation Overlay District

6.25.1 - PURPOSE

The City Council of Canton, Texas, hereby declares that as a matter of public policy the protection, enhancement and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that the historic districts and landmarks within the City of Canton represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually and produced significant historic, architectural and cultural resources that constitute their heritage, and, therefore this act is intended to:

- A. Protect and enhance the district and landmarks which represent distinctive elements of the City of Canton's historic, architectural and cultural heritage;
- B. Foster civic pride in the accomplishments of the past;
- C. Protect and enhance the City of Canton's attractiveness to visitors and the Support and stimulus to the economy thereby provided;
- D. Ensure the harmonious, orderly and efficient growth and development of the City;
- E. Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City; and
- F. Stabilize and improve the values of such properties.

6.25.2 - BOUNDARIES

The boundaries of the Historic Preservation Overlay District are delineated on the official zoning map. Additional parcels may be added to the official zoning map as sites outside the original boundary are identified and rezoned. All regulations of the underlying zoning district shall be in effect, except as identified in the HD Historic Preservation Overlay District Regulations set forth herein. A property may not be designated as a local historic landmark unless the owner of the property consents to the designation in accordance with Section 211.0165, as amended.

6.25.3 - CERTIFICATE OF APPROPRIATENESS

- A. No person shall construct, reconstruct, alter, change, restore, expand or demolish any exterior architectural feature of a building or structure that is visible from a public right-of-way located in the HD Historic Preservation Overlay District without first obtaining a Certificate of Appropriateness from the Historic Preservation Design Board (HPDB). A Certificate of Appropriateness must be obtained prior to the issuance of any building permit. The term "exterior architectural feature" shall include but not be limited to the kind and basic texture of all exterior building materials and such features as windows, doors, lights, signs and other exterior fixtures.

The HPDB may establish guidelines to enable the Historic Preservation Overlay Design Chairman to issue a Certificate of Appropriateness for exterior restorations and renovations.

- B. Ordinary Maintenance

Nothing in this section shall be construed to prevent the ordinary maintenance, replacement or repair of the exterior of a landmark or property within the historic district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, or outward appearance. Ordinary maintenance includes in-kind replacement or repair.

1. Any addition or deletion of landscape materials or landscape design elements need not receive a Certificate of Appropriateness from the HPDB. The Historic Preservation Overlay Design Chairman and the City Inspector shall provide review and comment as requested by the property owner regarding appropriate plant and landscape materials for designated historic areas.
2. Any person wishing to paint a structure within the historic district must first obtain a Certificate of Appropriateness from the HPDB. The Historic Preservation Overlay Design Chairman may issue the Certificate of Appropriateness when using paint selections from the color palette defined by the HPDB.

6.25.4 - CRITERIA FOR APPROVAL

The following standards, guidelines and criteria should be used in a balanced evaluation of the property in question:

- A. The HPDB shall follow the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the HPDB approved color palette to assist in its consideration of all applications for Certificates of Appropriateness. These standards and guidelines shall be made available to owners of property with a historic overlay designation.
- B. The HPDB shall utilize a checklist of design elements to be reviewed and considered by the HPDB in reaching its determination. Such checklist shall be initially approved by the City Council and thereafter modified by the Historic Preservation Overlay Design Chairman or the City Council as deemed necessary.

6.25.5 - PROCEDURES FOR APPROVAL

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness, the applicant shall file an application for such Certificate with the Historic Preservation Design Board at the Canton Main Street office. The applicant should consult with the Historic Preservation Overlay Design Chairman prior to submission of the application regarding applicable standards and guidelines for the property.
- B. The application shall contain:
 1. The name, address, and telephone number of the applicant.
 2. The location and photographs of the property and adjacent properties (historical photographs may also be helpful).
 3. Letter of intent describing in detail the work proposed.
 4. Elevation drawings of the proposed changes.
 5. Samples of materials to be used if requested by the Historic Preservation Overlay Design Chairman.
 6. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination (if any) and a plan showing the sign's location on the property.
 7. Any other information which the Historic Preservation Design Chairman may deem necessary in order to visualize the proposed work.

C. Procedures for Approval

The HPDB shall approve, approve with modifications, or deny an application within seventy (70) days from receipt of the completed application. The Board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Should the HPDB not take action within the seventy (70) day period, the Certificate of Appropriateness shall be automatically approved.

D. All decisions of the HPDB shall be in writing. A copy of the HPDB's decision shall be sent to the applicant and kept on file in the Planning Department along with the Certificate of Appropriateness. The HPDB's decision shall state the reasons for denying or modifying any application

E. No building permit shall be issued for such proposed work until a Certificate of Appropriateness has been issued by the HPDB or, upon appeal, to the City Council pursuant to Section 6.25.10 herein. The Certificate of Appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by another ordinance of the City.

6.25.6 - DEMOLITION

A permit for the demolition of a historic landmark or property within the historic district, including secondary buildings, shall not be granted by the Chief Building Official without the review of a completed application and issuance of a Certificate of Appropriateness for demolition by the HPDB or the Historic Preservation Overlay Design Chairman. The HPDB grants authority to the Historic Preservation Design Chairman to approve demolition requests made by the City of Canton for structures in imminent danger of collapse or otherwise posing an immediate peril to public health and safety. The HPDB shall hold a public hearing on applications not approved by the Historic Preservation Overlay Design Chairman within sixty (60) days from the date the application is received. Following the hearing, the HPDB has thirty (30) days in which to prepare a written recommendation to the Chief Building Official. The HPDB shall approve, deny, or approve with a ninety (90) day delay all demolitions in the historic district. The recommendation of the HPDB shall be forwarded to the Building Official for final consideration. If demolition has been delayed for ninety (90) days by the Board, a demolition permit shall not be issued during that ninety (90) days unless the Chief Building Official determines that the property poses a threat to the life and safety of the citizens of Canton. In the event that the HPDB does not act within ninety (90) days of the receipt of the application, a permit for demolition may be granted.

6.25.7 - ECONOMIC HARDSHIP

A. For Deviations. If the HPDB refuses to issue the Certificate of Appropriateness on the ground that the proposed work will not comply with the criteria set forth in Section 6.25.4 above, and any design guidelines for the property, the applicant shall have the right to seek deviations from the criteria design guidelines from the HPDB on the basis of economic hardship. In order to be entitled to a deviation from the guidelines, the applicant must prove by a preponderance of the evidence that he will have no reasonable opportunity to recover the cost of the proposed work if he is required to perform the work in accordance with the criteria and design guidelines. If the HPDB finds that the applicant would have no reasonable opportunity to recover the cost of the proposed work if performed in accordance with the criteria and the design guidelines, the HPDB shall grant a deviation from the criteria and any applicable design guidelines and may issue a Certificate of Appropriateness for the required work, with or without conditions. The HPDB may consider the following factors in determining the extent of the deviation granted:

1. The cost to perform the work in compliance with the criteria and design guidelines;

2. The value of the property;
 3. The extent to which a deviation is necessary to allow the owner a reasonable opportunity to recover the cost of the work;
 4. Whether granting the deviation will harm an existing or proposed historic or landmark district or structure or property designated with a high priority rating; and/or
 5. Whether the proposed work is in harmony with the spirit and purposes of this section.
- B. For Demolition: An applicant whose Certificate of Appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant must prove by a preponderance of the evidence that:
1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;
 3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or
 4. The structure or property is in such a condition as to be irreparably damaged and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety and general welfare of the community.

6.25.8 - ECONOMIC HARDSHIP APPLICATION PROCEDURE

- A. After receiving written notification from the HPDB of the denial of a Certificate of Appropriateness, an applicant may, within ten (10) working days, commence the hardship process, unless the hardship application is filed simultaneously with the application for a Certificate of Appropriateness.

No consideration or action may be taken on the hardship application unless a denial of the Certificate of Appropriateness has been issued. No building permit or demolition permit shall be issued unless the HPDB makes a finding that a hardship exists.

- B. The HPDB shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents/opponents of the application to present their views.
- C. The HPDB and the Historic Preservation Overlay Design Chairman, in consultation with local reservation groups and other interested parties, shall explore with the applicant, or his designated representative, alternatives for the performance of the proposed work that will preserve the structure or property to the greatest extent possible, while being economically feasible.
- D. If a deviation is granted, the Certificate of Appropriateness for the proposed work shall state the terms and conditions of the deviation.
- E. All deviations shall be in compliance with other City codes and ordinances.
- F. All decisions of the HPDB shall be in writing. A copy of the HPDB decision shall be sent to the HPDB decision shall state the reasons for granting or denying the hardship application. The HPDB decision shall state the reasons for granting or denying the hardship application.

- G. The hardship determination may be appealed in accordance with Section 6.25.10 herein.

6.25.9 - DEMOLITION BY NEGLECT

No owner or person with an interest in real property designated as a landmark or included within the historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the HPDB, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include but are not limited to:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration of crumbling of exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
- F. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

6.25.10 - ADMINISTRATION

- A. Penalties

Failure to comply with any of the provisions of this Ordinance shall be deemed a violation, and the violator shall be liable for a misdemeanor charge and be subject to a fine not to exceed two thousand dollars \$2000.00; and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. These penal provisions shall not prevent an action on behalf of the city to enjoin any violation of the terms of this section or an action for mandatory injunction to remove any previous violation hereof.

- B. Enforcement

All work performed pursuant to a Certificate of Appropriateness issued under this section shall conform to any requirements included therein. It shall be the duty of the Building Inspection Department to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the Certificate of Appropriateness, the Building Inspection Department shall issue a stop work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. The Certificate of Appropriateness may be reinstated, however, upon assurance that compliance will henceforth exist.

- C. Appeals

Any applicant or property owner aggrieved by a decision of the HPDB relating to economic hardship or a Certificate of Appropriateness may, within fifteen (15) days of receipt of the written decision, file a written application with the City Council, through the Historic Preservation Design Chairman, for review of the decision and the approval, denial, modification of, or deviation from, the HPDB's decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council's decision shall be final.

D. No Vested Interest

No developer or property owner shall acquire any vested interest in this section or specific regulations contained herein. This section and regulations may be amended or repealed by the City Council in the manner provided by law.

ARTICLE 7 – Parking Requirements

SECTION 7.1 - Purpose and Intent

The purpose of these off-street parking requirements is to minimize traffic congestion associated with the layout of parking facilities and the access to uses, to minimize any negative effect of off-street parking areas on adjacent properties; and to assure the proper and adequate development of off-street parking areas throughout the City. The standards contained in this Section are minimum standards and should not be regarded as optimum standards.

SECTION 7.2 – Parking in All Districts

7.2.1 - MINIMUM OFF-STREET PARKING SCHEDULE

In all districts, there shall be provided in connection with appropriate permitted uses, off-street vehicle parking spaces in accordance with the attached Schedule of Minimum Off-Street Parking Standards.

- A. Parking regulations are based on property use, number of employees and/or gross square footage of building(s).
- B. In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or car washes, and spaces in drive-through lanes shall not be counted as meeting the required minimum parking.
- C. The floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.
- D. Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type use or building shall be included in the calculation of the off-street parking requirements for any other use or building. The applicant shall be required to document the various uses and list the required parking allocated for each use.
- E. Where a lot or tract of land proposes to reduce the amount of parking due to the different parking peaks of the various uses, the applicant shall be required to prepare a parking schedule using Institute of Traffic Engineers (ITE) or other acceptable trip and parking generation tables to analyze the parking loads on an hourly and daily basis. Approval of the parking reduction will be by the Zoning Administrator subject to appeal to the Planning and Zoning Commission.
- F. Where a lot or tract of land proposes to reduce the amount of parking due to sharing parking with other uses within 600 feet, such reduction and sharing of parking shall be documented, analyzed and approved in accordance with 7.2.1 E. above. Parking on properties owned by a person or entity other than the property requesting the reduction shall have filed a parking easement acceptable to the City between the properties for as long as the parking reduction is needed.
- G. Copies of all schedules, analyses, easements and approval documents shall be maintained with any building or remodeling permits or certificates of occupancy relying on the documents in their approval.

7.2.2 - PARKING REQUIREMENTS FOR REVISED OR ADDITIONAL USES AND UNLISTED USES

- A. Whenever, after issuance of a certificate of occupancy, there is a change or use in any building, or an increase in floor area, number of employees, seating capacity, number of dwelling units or other unit of measurement used for the determination of required off-street parking spaces, additional parking facilities shall be provided on the basis of the increased requirements of the new use or other unit of measurement.
- B. In the event that such change in use creates a need for an increase in off-street parking spaces of less than five (5) percent of parking facilities or less than five (5) spaces, whichever number is greater, no additional parking facilities shall be required.
- C. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar listed use and/or nearest best use as determined by the Building Official.

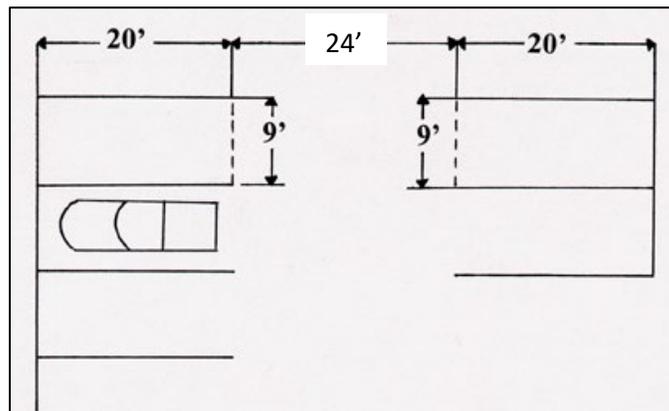
7.2.3 - MINIMUM OFF-STREET LOADING STANDARDS

- A. Off-street facilities shall be provided and maintained for the receiving and loading of merchandise, supplies and materials within a building or on the premises.
- B. Required off-street loading facilities may be adjacent to a public alley or private service drive or may consist of a berth within a structure.
- C. No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility.
- D. The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any maneuvering in or blockage of public right-of-way.
- E. Off-street loading spaces that serve loading docks shall be sixty (60) feet minimum in depth and a minimum of twelve (12) feet wide.

7.2.4 - PARKING LOT DESIGN STANDARDS

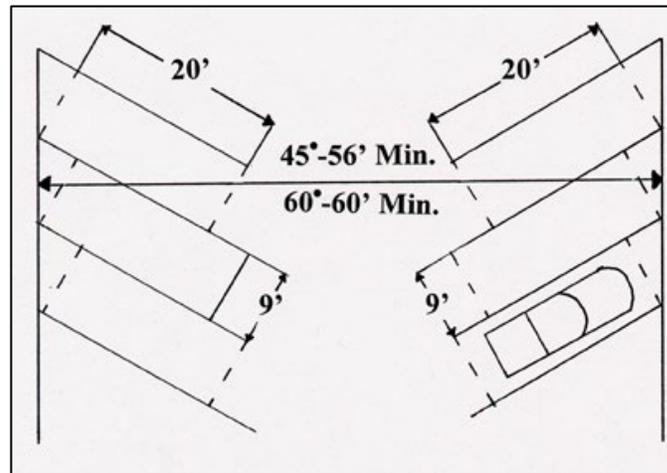
- A. Minimum stall size (dimensions perpendicular and parallel to the direction of parking) shall be nine (9) feet by twenty (20) feet, or as an alternative, ten (10) feet by eighteen (18) feet.
- B. Minimum aisle width between parking rows shall be as follows:
 - 1. Twenty-four (24) feet for ninety (90) degree parking angle, two-way traffic

Aisle Dimensions, Ninety Degree



2. Seventeen and one-half (17.5) feet for sixty (60) degree parking angle, one-way traffic; twenty (20) feet for sixty (60) degree parking angle, two-way traffic
3. Twelve (12) feet for forty-five (45) degree parking angle, one-way traffic; twenty (20) feet for forty-five (45) degree parking angle, two-way traffic

Aisle Dimensions, Angled Parking



7.2.5 – LOCATION OF PARKING AREAS

- A. Off-street parking required by this Ordinance shall be provided on the same lot or tract as the principal use for which the parking is required, except as provided in subsection (2) below.
- B. Where cooperative provision of off-site parking is established either by contract or the use of two (2) or more lots owned by the same person, then the parking required for the principal use may be provided on an immediately contiguous lot or tract, or within two hundred (200) feet of the principal use, as measured along routes normally available to those who park there.
- C. Off-site parking shall be in a zoning district in which the principal use located on the principal lot would be a permitted use; with the exception that parking accessory to any single-family attached, multi-family or institutional use may be located in any non-residential zoning district.
- D. Where off-site parking is established by contract, the contract shall make the off-site parking lot or lots available for cooperatively provided parking. A copy of such contract, properly executed, shall be filed with the City Building Official.
- E. Where off-site parking is established on a secondary lot or lots owned by the owner of the lot on which the principal use is located, the secondary lot or lots may not be used for any purpose other than parking required for the principal use unless there is sufficient room for the cooperatively provided parking, any use which may be placed on the secondary lot or lots, any parking required for the use placed on the secondary lot or lots and any other requirements of this Ordinance.
- F. The continuance of the principal use shall be contingent upon the continuance of the cooperatively provided off-site parking or the substitution of other parking consistent with the terms of this Ordinance.
- G. No off-street parking shall be located to permit any part of a parked vehicle to extend across the property line nor shall any portion of a parked vehicle be so located as to be nearer than five (5) feet to any street /or curb.

- H. No off-street parking space shall be located so that a portion of the public street is required for maneuvering into or out of such parking space.

7.2.6 - USE OF REQUIRED PARKING SPACES

Required off-street parking spaces shall be used only for parking and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale, lease or rent.

7.2.7 - FIRE LANES

For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in all multi-family, single-family attached, manufactured home, and nonresidential developments. Fire lanes shall be a minimum of twenty-four (24) feet of paving and shall have a minimum insider turning radius at curves of twenty (20) feet, or as required by the Fire Code and/or the Fire Chief of the City of Canton. The minimum overhead vertical clearance over any portion of a fire lane shall be fourteen (14) feet.

SECTION 7.3 - Parking in Residential Districts

7.3.1 - DEFINITIONS FOR THE PURPOSE OF THIS SECTION

Standard Residential Driveway shall be defined as the improved parking surface between the street or alley and the garage, carport or residential structure, which is to be a maximum of twenty (20) feet or the width of the garage, whichever is greater, or a paved circular driveway which is intended to facilitate easier access to the main entrance of the premises.

Improved Parking Surface shall be defined as a continuous area used for the movement, parking or storage of a vehicle(s) that is overlaid or otherwise paved to a minimum standard equivalent to a four-inch concrete slab with No. 3 bars (3/8 rebar) on 18-inch centers each way in the top third of the slab, or with six-inch by six-inch by No. 6 gauge panel; or two-inch hot mix asphaltic concrete over six-inch crushed rock base, and/or concrete pavers laid to manufacturers' specifications. All driveways constructed in single family subdivisions platted after the effective date of this Ordinance shall be paved to a minimum standard equivalent to a four-inch concrete slab with No. 3 bars (3/8 rebar) on 18-inch centers each way in the top third of the slab, or with six-inch by six-inch by No. 6 gauge panel.

7.3.2 - STANDARDS

- A. In all residential zoned districts or any residentially used property, a single family, duplex, townhome, patio home or zero-line dwelling shall provide the minimum number of parking spaces as prescribed in section 7.3.3- Parking Schedule.
- B. In a residential zoned district, it shall be unlawful to park, store or allow to be parked or stored, any motor vehicle upon any surface other than a standard driveway, except travel trailers, boats, recreational vehicles, motorcycles, lawn and garden equipment, and small utility trailers in side or rear yards, provided grass and weeds are maintained in a neat and orderly fashion, not to exceed six (6) inches in height. Side yard does not include the area located between the street and the front of the house.
- C. In residential zoned districts or residentially used property, no parking space, garage, carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer, tractor trailer, or semi-trailer (whether or not attached to a truck trailer or a road tractor), except panel and pickup trucks not exceeding one ton capacity.
- D. In residential zoned districts or residentially used property, no airplane, boat, motor vehicle, trailer, or part of such airplane, boat, motor vehicle or trailer shall be parked or stored in the

front yard of any lot, or in the side yard facing a street on a corner or reverse corner lot except that the following may be parked in such locations on a standard driveway:

1. Passenger motor vehicles and light trucks (one ton or less);
 2. Travel trailers, boats, utility trailers, recreational vehicles, or similar equipment, not exceeding thirty-four (34) feet in length (may not displace required off-street parking);
 3. Motorcycles; and
 4. Truck and delivery vehicles while on calls.
- E. Any unimproved parking surface may be expanded, repaired or maintained with a material similar to that of the existing driveway surface subject to the following regulations:
1. Any unimproved parking surface shall be regularly maintained and shall be kept free of litter, grass or other vegetation;
 2. The expansion of any unimproved parking surface shall be subject to the width requirements of a standard driveway;
 3. The Building Official may determine in a manner consistent with this section, the method of construction and materials used to expand, repair, or maintain any unimproved parking surface.
 4. Temporary and/or permanent basketball goals must be placed within the confines of the property.
- F. Required off-street parking shall be provided on the same site as the use it is to serve.

7.3.3 – PARKING SCHEDULE

RESIDENTIAL			
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED
1. Single-Family	2	Dwelling Unit	
2. Duplex	2	Dwelling Unit	
3. Townhouses	2	Dwelling Unit	
4. Garage Apartment	1	Dwelling Unit	
5. Apartment	2	Dwelling Unit for first 50 units; thereafter, 1.75 parking spaces for each unit	
6. Boarding or Rooming House	1	Rooming Unit	
7. Hotel, Motel	1	Guest room or residence unit up to 100 units then .75 per unit over	Minimum of 3 spaces for first 100 sq. ft.
8. Manufactured home or travel trailer			
a. Manufactured Home	2	Lot, plot, tract	
b. Travel Trailer	1	Lot, plot, tract	
9. Private Dormitory	1	Unit designed for two occupants	
10. Bed & Breakfast, Short Term Rental or Boarding House	1	Guest room in addition to those required for principal residence	

INSTITUTIONAL			
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED
1. Community or welfare center	1	200 sq. ft. of floor area	
2. School			
a. Elementary	1	20 students	
b. Junior High	1	18 students	
c. Senior High	1	1.75 students	
d. Trade/Vocational	1	Student	
3. College or university	1	Four students	
4. Public assembly hall with fixed seating	1	Four seats	
5. Public assembly hall without fixed seating	1	100 sq. ft. of floor area	
6. Church	1	Four seats in sanctuary or auditorium	
7. Kindergarten, day nursery, day care	1	Eight pupils	Minimum of 4 spaces for each 2,500 sq. ft. (Day Care Only)
8. Nursing Home	1	Six beds	Minimum of 10 spaces for first 300 sq. ft.
9. Hospital	1 ½	Bed	Minimum of 10 spaces for first 300 sq. ft.
10. Supervised living facility	1	Dwelling Unit	Minimum of 5 spaces for first 300 sq. ft.
11. Library	1	350 sq. ft. of public area	
12. Fraternity or sorority	1	200 sq. ft. of floor area	
13. Student religious center	1	250 sq. ft. of floor area	
14. Mortuary, funeral chapel	1	Four seats in chapel	

RECREATIONAL, SPECIAL ENTERTAINMENT			
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED
1. Theater	1	3 seats	
2. Bowling alley	6	per lane	
3. Pool halls, coin-machine arcades, other commercial amusements (indoor)	1	100 sq. ft. of floor area	
4. Commercial amusements (outdoor)	1	500 sq. ft. of floor area exclusive of building(s)	
5. Ballpark, stadium	1	8 seats or 180" of bench	
6. Lodge, fraternal organization	1	200 sq. ft. of floor area	
7. Health Club	1	200 sq. ft. of floor area	
8. Racquetball, Tennis court	4	Court	

PERSONAL SERVICE AND RETAIL			
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED
1. Retail stores, shopping centers, and supermarkets	1	150 sq. ft. of gross floor area	
2. Furniture sales, appliance sales, repair and personal service shops	1	300 sq. ft. of floor area	Minimum of 3 spaces for first 300 sq. ft.
3. Open retail sales (outside sales)	1	500 sq. ft. of site area exclusive of buildings	
4. Coin-operated or self-serve laundry	1	2 washing machines	

FOOD AND BEVERAGE SERVICES			
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED
1. Eating or drinking establishment (on-site seating)	1	100 sq. ft. of floor area including outside dining/drinking areas	Minimum of 4 spaces; plus 6 additional stacking spaces if drive-through windows are provided
2. Bar, nightclub, private club	1	75 sq. ft. of floor area	
3. Drive-through or drive-up restaurant with no inside seating	1	200 sq. ft. of floor area	Minimum of 3 spaces for first 200 sq. ft. plus 6 additional stacking spaces

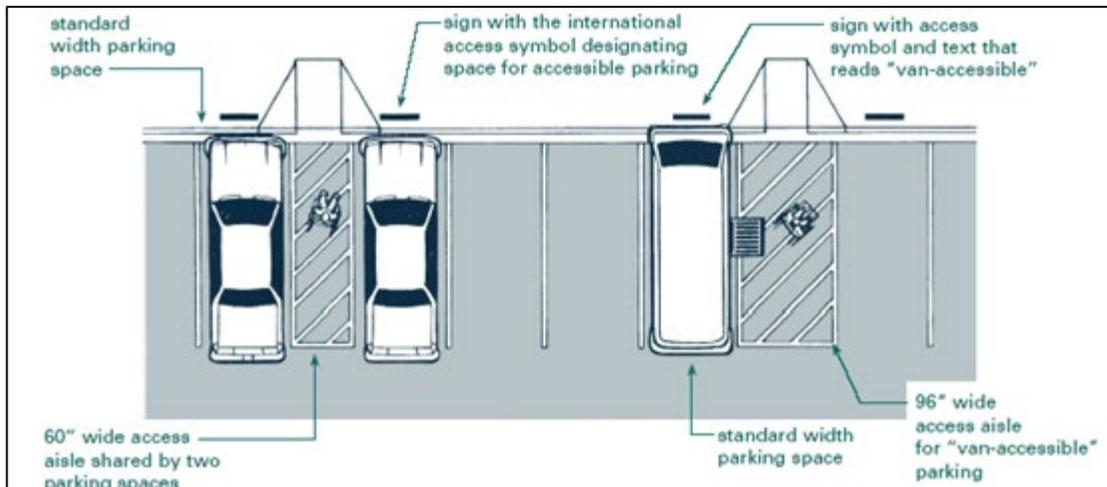
BUSINESS SERVICES			
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED
1. Bank or Savings & Loan or similar institution	1	300 sq. ft. of floor area	Minimum 4 spaces for first 300 sq. ft. & 6 storage spaces per outside teller aisle
2. Medical or dental clinic or office	1	200 sq. ft. of floor area	Minimum of 4 spaces for first 300 sq. ft.
3. Office, other than listed	1	250 sq. ft. of floor area	
4. Telemarketing call centers	1	250 sq. ft. of floor area devoted to telemarketer workstations	6 for the first 1,000 sq. ft.

AUTOMOTIVE AND EQUIPMENT				
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED	
1. Service station including incidental car wash	1	200 sq. ft. of floor area	Minimum of 4 spaces	
2. Motor vehicle repair, garage or shop (indoor)	1	500 sq. ft. of floor area	Minimum of 5 spaces	
3. Motor vehicle parts & accessories sales	1	300 sq. ft. of floor area		
4. Vehicle or machinery sales	1	500 sq. ft. of floor area		
5. Self-service car wash	2	Wash bay; spaces may be tandem awaiting each wash bay		
6. Machine car wash (Auto)	1	Stall	3 storage spaces per stall	

STORAGE, WHOLESALE, INDUSTRIAL, MANUFACTURING AND FIRST MONDAY				
USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	ADDITIONAL PARKING REQUIRED	
1. Brick or lumber yard or similar area	1	700 sq. ft. of site area		
2. First Monday Districts	3 acres	1 acre of vendor spaces		
3. Warehouse & enclosed storage	1	2,000 sq. ft. of floor area	Minimum of 3 spaces for first 1,000 sq. ft.	
4. Manufacturing and industrial operations	1	400 sq. ft. of floor area under 10,000 sq. ft.	Minimum of 5 spaces for first 1,000 sq. ft.	
	1	700 sq. ft. over 10,001 sq. ft.		
	1	per employee on the maximum shift		
5. Mini-warehouse	1	20 storage stalls or lockers		
	1	250 sq. ft. for manager's quarters		

REQUIRED DISABLED PARKING		
RESIDENTIAL USES		<i>(or as required by the American Disabilities Act)</i>
	REQUIRED NUMBER OF DISABLED SPACES	REQUIRED FOR EACH
Residential Uses (Apartment complexes)	1	1-20 required parking spaces
	2	21-99 parking spaces
	3	100-199 parking spaces
	2	Additional 100 required parking spaces, with a maximum of 15 disabled spaces being required
NON-RESIDENTIAL USES (or as required by the American Disabilities Act)		
TOTAL PARKING SPACES IN LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES*	
1 to 25	1	
26 to 50	2	
51 to 75	3	
76 to 100	4	
101 to 150	5	
151 to 200	6	
201 to 300	7	
301 to 400	8	
401 to 500	9	
501 to 1,000	2 percent of total	
1,001 and over	20 plus 1 for each 100 over 1,000	

*Accessible parking spaces may be used to meet the required number of parking spaces.



Accessible Parking Spaces

ARTICLE 8 – Landscape Requirements

SECTION 8.1 - Applicability

The provisions of this Article shall apply to all zoning districts except residential zoning districts, and shall be subject to the limitations, exceptions and additional requirements of this Ordinance.

SECTION 8.2 - Interpretations

The provisions of this Section shall constitute the minimum requirements of this Section. Where the provisions of this Section impose greater restrictions than those of other Sections of this ordinance, or any other ordinance, impose restrictions greater than those contained in this Section, the more restrictive regulations shall prevail. When referring to this Section, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

- A. The specific shall control the general.
- B. In the case of any conflict between the text of this Section and the implications of any chart, graph, illustration or table, the text shall control.
- C. The words, “shall,” “will,” and “must” are always mandatory and are not discretionary. The word “may” is permissive and discretionary.
- D. The words “building” and “structure” shall be construed as though followed by the words, “or portion thereof”
- E. For the purposes of this section, the word “lot” shall be synonymous with the words, “parcel,” “plot,” and “tract.”
- F. The word “occupied” shall be construed as though followed by the words “or intended, arranged or designed to be occupied.”

SECTION 8.3 - Definitions

Words in the text of this Section can be found in Section 10.4 and shall be interpreted in accordance with the provisions set forth in this section. Where a word has not been defined, the standard dictionary definition shall apply. City Building Official shall have the authority to interpret the definition of a word as it relates to the provisions of this section.

SECTION 8.4 - Landscape Requirements

8.4.1 - LANDSCAPE AREA REQUIREMENTS

- A. The landscaping requirements shall be determined by the total square footage of the lot. The developer shall be required to install/maintain landscaping based on a percentage of the total lot area.
- B. The minimum required area of landscaping shall be five (5) percent of the total lot area, except for lots zoned General industrial (GI-I) and Gateway District (GD).
- C. The minimum required area of landscaping for lots zoned (GI-I) shall be two and one-half (2 1/2) percent of the total lot area. One hundred (100) percent of the required landscaping shall be located in the street yard on properties zoned (GI-I).
- D. For a lot abutting one street, a minimum of seventy-five (75) percent of the landscaping area shall be located in the street yard. The remaining percentage of landscaping shall be reasonably dispersed throughout the lot. The right-of-way that is not covered by sidewalk,

driveways and approaches or other public facilities shall also be landscaped with ground cover only.

- E. When a lot abuts two streets, a minimum of ninety (90) percent of the landscaping area shall be located in the front street yards. The remaining percentage of landscaping shall be reasonably dispersed throughout the lot.
- F. For lots abutting three or more streets, landscaping shall be reasonably dispersed so that each street yard includes a reasonable quantity of landscaping.
- G. On all lots abutting streets, the right-of-way that is not covered by sidewalk, driveways and approaches or other public facilities shall also be landscaped with ground cover only. The purpose is to visibly and physically separate the parking lot from the street and emphasize the drive approaches for ingress and egress.

8.4.2 - LANDSCAPING REQUIREMENTS

- A. Required landscaping areas shall contain one (1) tree per 2,500 square feet, or fraction thereof. Trees planted to satisfy this requirement shall have a minimum caliper of three (3) inches measured ten (10) inches from top of root ball.
- B. Required landscaping areas shall contain one (1) shrub per one hundred (100) square feet, or fraction thereof. Shrubs planted to satisfy this requirement shall be a minimum size of two (2) gallons.
- C. All required landscaping areas that are not occupied by trees, shrubs, planting beds, signs or other permitted fixtures shall be planted with grass, sod or other suitable groundcover. The use of decorative gravel and like materials may be permitted by the City Building Official, provided that such surfaces do not constitute more than thirty (30) percent of the area constituting the landscape area requirement.
- D. To receive landscaping credit for an existing canopy tree with a caliper of eight (8) inches or greater, a barricade along the tree's drip line shall be installed prior to grading and construction. Additional landscape credit, equivalent to two (2) or more new trees, may be awarded for barricading an existing tree if the age, size and condition of the tree are such that the tree is judged to be significant. Such judgment and the amount of additional credit awarded shall be determined by the City Building Official. Landscape credit may also be awarded to trees with small caliper, such as for a stand of trees, subject to approval by the City Building Official and the barricade requirements listed in this section.
- E. All existing undergrowth in a protected area shall remain until construction is complete and can only be removed at that time by hand clearing.
- F. Every development shall be required to install either an irrigation system or a hose connection located within fifty (50) feet of all landscaping areas. A ten (10) percent reduction in the required landscape area shall be made in those instances where an irrigation system is provided for the entire landscape area including landscaped ROW.
- G. Landscaping islands are required in parking areas that are in excess of 20,000 square feet in protected areas at each end of rows containing ten (10) or more parking spaces. If provided, each separate landscape area should contain a minimum area of fifty (50) square feet; should have a minimum width of five (5) feet; and should include at least one tree. The remaining area should be landscaped with grass, groundcover and/or shrubs, with shrubs limited to a maximum height of three (3) feet from grade.

8.4.3 - LANDSCAPE AREA MAINTENANCE

- A. The owner, or an agent for the owner, shall be responsible for the continued maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be keep the landscaped areas free from refuse, debris and weeds. All irrigation systems and hose bibs shall be kept in working order with water available except during the dormant months for landscaped materials.
- B. Replacement of dead landscaping materials required by this ordinance is the responsibility of the property owner. Replacement must occur within one hundred twenty (120) days, season permitting, upon notification by the City Building Official. Replacement material should be of reasonably similar character to planting material being replaced. At a minimum, replacement-landscaping material shall be sufficient to satisfy the minimum requirements of this ordinance. Failure to replace dead landscaping shall constitute a violation of this section of the ordinance.
- C. With the exception of sod, grasses and groundcovers, landscaping in utility easements shall be prohibited, except with the prior written consent of the City of Canton and all affected utilities. Any damage or interference with utility lines or other utility facilities resulting from landscape placement, landscape installation or from negligence by the property owner, or the agent or employees of the owner, in the installation and/or maintenance of required landscaping is the responsibility of the property owner. If permitted landscaping that is installed in a utility easement, or required landscaping installed adjacent to an easement or public right-of-way, is damaged or killed in conjunction with the maintenance of utilities or right-of-way, it shall be the responsibility of the property owner to repair said landscaping and replace any plants that are dead or damaged.
- D. Nothing in this ordinance shall prohibit or restrict the City or any public utility company from trimming trees or removing plant material that are a hazard to its employees, the public or to its utility facilities, or that may threaten to interfere with the provision of continuous services by the public utility company.

8.4.4 - PHASED DEVELOPMENT

Each phase of a phased project shall comply with requirements of this ordinance. The portion(s) of a property left for subsequent phases shall remain of a developable size and quality. No building permit shall be issued for a subsequent phase of the project until all requirements of this ordinance have been satisfied on the developed phases.

SECTION 8.5 - Landscape Planting Standards and Specifications

8.5.1 - PLANT CRITERIA

- A. All plant materials planted to satisfy the requirements of this ordinance shall be of a species, which will conform to the selection criteria of this Ordinance.
- B. Plant materials shall either be acceptable native plants or plants that are known to be acclimated to the Northeast Texas region.
- C. The selection of individual plant materials shall require that the species chosen to be adaptable to the specific environment and conditions in which it will planted; i.e., soils, water availability, height limitations, shade and similar concerns.
- D. Trees and shrubs planted in order to satisfy the requirements of the ordinance shall conform to the minimum size specified in this Ordinance.

- E. Canopy trees shall have a minimum caliper of three (3) inches; shall have a minimum branching height of six (6) feet; and shall have a minimum overall height of eight (8) feet upon being planted.
- F. Shrubs shall be a minimum size of two (2) gallons.
- G. Trees shall be selected so as to avoid those species known to cause damage to public improvements when located in relatively close proximity to public improvements.
- H. Artificial plants are not acceptable in satisfying any requirement of this Ordinance.

8.5.2 - PLANTING AND CARE STANDARDS

- A. Landscaping shall be installed in accordance with professional horticultural/nursery standards and procedures to minimize stress to the plants. Planting of all or a portion of plant materials may be continued during winter months, provided that plant materials are not subject to severe freezing. In the event that weather conditions are not suitable for planting, with the approval of the City Building Official, and prior to the issuance of a Certificate of Occupancy, the landscaping installation may be delayed to a more suitable date, provided a bond or irrevocable letter of credit assigned to the City of Canton in an amount equal to the cost of all required landscaping improvements shall be required.
- B. The owner or his contractor shall furnish and install all plant materials listed on the plant schedule.
- C. Trees shall not be planted so near to sewers, sidewalks or other public improvements as to cause, or potentially cause, damage to such public improvements.
- D. The owner or his contractor shall excavate all plant pits, vine pits, hedge trenches and shrub beds as follows:
 - 1. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth (1/8) of the ball to be above the existing grade. Plants shall rest on undisturbed existing soil or well-compacted backfill. The tree pit must be a minimum of nine (9) inches larger on every side than the ball of the tree.
 - 2. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to a depth of at least eighteen (18) inches. Areas designated for ground covers and vines shall be cultivated to a depth of at least (12) twelve inches.
 - 3. Each tree, shrub or vine shall be pruned in an appropriate manner, in accordance with accepted standard practice. Broken or bruised branches shall be removed with clean cuts made on the angle from the bark ridge to the bark collar (no flush cuts), to minimize the area cut. All cuts shall be made with a sharp tool, and all edges shall be trimmed smooth.
 - 4. All trenches and shrub beds shall be edged and cultivated to the lines shown on the approved landscape plan. The area around isolated plants shall be edged and cultivated to the full diameter of the pit. Sod that has been removed and stacked shall be used to trim the edges of all excavated areas to the neat lines of the plant pit saucers, the edge-of shrub area, hedge trenches and vine pockets.
 - 5. After cultivation, all plant materials shall be mulched with a two to three (2-3) inch layer of tan bark, peat moss or other approved like material over the entire bed or saucer.

8.5.3 - TREE PRESERVATION/CARE DURING CONSTRUCTION

- A. Existing trees to be preserved for landscape credit must be clearly marked as such.

- B. Existing trees to be preserved shall be barricaded in accordance with the requirements of this ordinance to prevent said trees from soil compaction, stacking of soil within prescribed drip line areas, construction traffic, changes in grade and similar construction practices that could affect existing tree.

8.5.4 - COMPLIANCE REQUIRED

- A. The approval of a Landscape Plan, or sufficiently detailed site plan, per the requirements of Section 3.3 shall be submitted demonstrating compliance with the requirements of this section
- B. A Certificate of Occupancy shall be withheld until compliance with all applicable landscaping requirements is attained.

SECTION 8.6 - Landscape Plan Requirements

- A. A landscape plan, or a sufficiently detailed site plan, shall be submitted to the City Building Official as a part of the application for a Building Permit or Certificate of Occupancy.
- B. The landscape plan submission shall consist of two (2) blue line, black line prints or CAD generated plan paper. The plan must have a scale of 1 :20, or greater and be depicted on a standard twenty-four (24) inch by thirty-six (36) inch page or compatible size with approval of the Building Official. A plan which cannot be drawn in its entirety on a twenty-four (24) inch by thirty-six (36) inch sheet or compatible size must be drawn with appropriate match lines on two (2) or more sheets. The landscape plan may be incorporated as a part of the site plan required by Section 3.3.
- C. The landscape plan may be provided by any individual, provided that the landscape plan is legible and clearly denotes compliance with the requirements of this ordinance. Plans that do not clearly demonstrate compliance with this ordinance, or that do not comply with all applicable regulations, will be returned unapproved. Compliance using existing landscaping and trees may be demonstrated with the use of available aerial photographs provided they are legible and acceptable to the Building Official.
- D. Landscape Plan Minimum Requirements

Landscape plans shall, at a minimum, include the following items:

1. Scale and north point;
2. Location and dimensions of boundary lines;
3. Planting schedule, including the location, height and dimensions of proposed landscaping, buffer yard location and height, materials, or detail of proposed fencing and berms;
4. Description of proposed plantings, including names, locations, quantities, container or caliper sizes, heights, spacing at the time of installation;
5. Identification of the names, locations and caliper of existing trees to be preserved to satisfy the requirements of this Ordinance;
6. Description of measures to protect existing healthy trees proposed to be retained from construction damage;
7. Description of proposed watering methods and/or submittal of irrigation plan/location of hose bib and service radii; and

8. Plans may include elevations, cross-sections or renderings demonstrating that the proposed development will comply with all the requirements of Sections

8.6.1 - APPROVED LANDSCAPE PLAN AMENDMENTS

Minor amendments to an approved landscape plan, or a site plan that depicts landscaping improvements, if approved by the City Building Official, shall be permitted provided there is no reduction in the quality of plant materials or no significant change in the size or location of plant materials, and provided that the substituted plants are of the same general category (i.e., shade, ornamental, evergreen etc.) as the plant materials being replaced. Proposed planting materials must also be compatible with the area to ensure healthy plant growth.

8.6.2 - APPLICABILITY OF THIS ARTICLE

For purposes herein the word "tract" shall be interchangeable with the word "lot."

A. General Requirements

The requirements of this Article shall apply to all properties and improvements within the City, subject to those limitations contained in each section, and subject to the additional limitations, exceptions or requirements contained in this Section.

8.6.3 - LIMITATIONS, EXCEPTIONS AND ADDITIONAL REQUIREMENTS

- A. The requirements of Sections shall apply only where a proposed development, expansion of an existing building, development of undeveloped property or a use intensification, inclusive of parking areas does not involve single-family or two-family development; and will either:
 1. Increase the overall building coverage or parking lot coverage of a lot by twenty (20%) percent or more over the square footage existing on the effective date of this ordinance; or
 2. Increase the number of stories or footprint of a building, which adds twenty (20) percent or more total square footage to the building.
 3. Parking lot expansions that exceed the criteria of subsection A.1 above shall only be required to landscape the new portion of the parking lot.
 4. If a lot is over two (2) acres in size and the developer does not desire to landscape the entire lot, the applicant may specify building site delineation. The City Building Official shall determine that the site delineation satisfies the requirements of this ordinance and which would not violate the spirit and intent of the regulations contained in Sections B. through J. The portion of the lot approved by the City Building Official as a delineated building site must include the entire area on which construction is proposed.
 5. The requirements of this Article shall not be applicable in regards to the reconstruction of a structure on a nonconforming lot, which has been damaged by fire, explosion, flood, tornado, or similar catastrophic event, if the partial destruction does not exceed fifty (50) percent of its reasonable value (to be determined by an appraiser appointed by the city).
 6. In those instances where a single-family or two-family residential dwelling exists in a zoning district other than (R-1,2,3,4) or (MF- 1, MF-2) and a change in occupancy occurs to a more intensive non-residential use, the property shall be brought into conformance with all applicable requirements contained in this Article prior to receiving a Certificate of Occupancy.

7. If a lot is rezoned from either a single-family (R-1 R-2 R-3) or two-family (MF-1) zoning district to another zoning classification other than (R-1,2,3) or (M-F), and if an existing building on the said lot is proposed to be converted to a non-single family or non-two-family use, the lot shall be brought into conformance with all applicable requirements of this Article.

ARTICLE 9 – DESIGN STANDARDS

SECTION 9.1 – Access

A. Use of Residentially-Zoned Property for Access

No residentially zoned land shall be used for driveway, walkway, or access purposes to any land that does not abut a public street; that is non-residentially zoned or used for any purpose not permitted in residential district except for ingress and egress to a use existing at the time of adoption of this Ordinance

B. Access to Commercial Uses

Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercially zoned property; provided, however, access may be permitted from any major collector or major thoroughfare and provided further, that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this Ordinance.

C. Secondary access for emergency purposes may be utilized through or across the street from a residential zoned or used area provided the access is gated with a Knox Box or other approved mechanism giving access for emergency vehicles only.

D. Facing of commercial uses

When possible, commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial zone and shall not face residential zones that may front on an intersecting or rear street adjacent to such commercial or industrial zone.

SECTION 9.2 – Building Façade Requirements

9.2.1 - APPLICABILITY

A. The requirements set out in this Section shall apply to all properties inside the city limits of the City, except as follows:

1. State and federally registered historic structures are exempt from these requirements.
2. When a Specific Use Permit (SUP) is required, the Planning and Zoning Commission and the City Council may impose alternate masonry requirements for structures which shall be set forth in writing by the City Council prior to issuance of the Building Permit and shall be incorporated into the amending ordinance establishing the SUP. Such masonry conditions shall be noted in the ordinance as being voluntary and agreeable to the applicant as a condition of approval of the SUP and not subject to Chapter 3000 of the Texas Local Government Code. The applicant shall also sign the ordinance to document their consensus. If it is not agreeable, then the City Council may deny the SUP or choose to remove the condition/language.
3. Temporary construction buildings, field offices and sales offices are exempt from the building façade requirements if removed when their usefulness has ended or in eighteen months after placement, whichever comes first. Prior approval from the Planning and Zoning Commission and the City Council must be made for jobs that require the temporary building or officers to be in place for more than eighteen months.
4. Residential property that has been platted on or before October 19, 2004 may use vinyl siding or a similar wood product in addition to the materials listed in Paragraph B below.

9.2.2 - BUILDING FAÇADE REQUIREMENTS

A. Building Materials

The following masonry materials are permitted and encouraged. All building materials must be applied using the recommended standards from the manufacturer.

1. Brick – A kiln fired clay or slate material of severe-weather grade.
2. Stone- Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is used in exterior building construction. Cast or manufactured stone products may also be used provided that such products yield a stone-like appearance and they are highly durable and maintenance-free.
3. Burnished Block – grinded to reveal the aggregate matrix within the block
4. Decorative Concrete Block (CMU) –Textured finish such as split-face, indented, hammered, fluted, ribbed or similar architectural finish. Lightweight concrete block is not acceptable. Cinder blocks (Heydike), smooth or untextured finished concrete blocks are not permitted on any sides(s) of the building façade facing a public street.
5. Tilt Wall Panels – Textured finish. Smooth or untextured tilt-wall panels are not permitted on any side(s) of the building facing a public street.
6. Stucco – Concrete-plastering with cement plaster
7. Glass Block – Any type used as an exterior building material
8. Cement-Based Planks or Paneling – Fabricated cement panel may be utilized as an architectural accent material not to exceed 50% of any exterior surface.
9. Exterior Insulation and Finish System (EIFS) – May be utilized as an architectural accent material to be installed a minimum of three feet (3') above ground level.
10. Wood – For use in Commercial and General Industrial districts only. Wood accent materials may be utilized as an architectural accent material on the front façade only not to exceed 25% of the exterior surface. The accent material shall be a minimum of 1-1/2" in thickness and shall not be plywood, particle board or laminate and must be treated.

B. Minimum Building Façade Standards

The standards and criteria contained within this Paragraph are minimum building façade standards and shall apply to all new building construction in the following districts, subject to the applicable provisions in Chapter 3000 of the Texas Local Government Code.

1. Residential Zoning Districts

All residential zoning districts, excluding Manufactured Home Park (MH-1) and Manufactured Housing (R-4)

- a. The exterior building façade of all new structures in residential zoning districts shall have a minimum of seventy-five (75%) percent masonry.
- b. The masonry shall be equally distributed around the building. No single was face of any structure should contain less than fifty (50%) percent masonry construction.

- c. Areas of a façade that are devoted to windows, doors, fascia, shall not be counted as “wall surface” when calculating the building façade requirements.
- d. Accessory buildings of three hundred thirty (330) square feet shall conform to the exterior façade of the main building. RA-Rural Agricultural District uses shall be exempt from this requirement
- e. Any accessory structure not contained in the rear thirty (30%) percent of the yard from any adjoining street must have a masonry front unobstructed.
- f. CMU, metal panels, and tilt wall panels are not permitted as a building façade material on any single-family or multiple-family residential structure.

2. Commercial Zoning Districts

- a. The exterior building wall of all new structures in the commercial zoning districts shall require a front façade of one hundred (100%) percent masonry and twenty-five (25%) percent on any sides of the building facing a public street.
- b. Wood- For use in Commercial and General Industrial districts only. Wood accent materials may be utilized as an architectural accent material on the front façade only, not to exceed 25% of the exterior surface. The accent material shall be a minimum of 1-1/2” in thickness and shall not be plywood, particle board or laminate and must be treated.
- c. Areas of a façade that are devoted to windows, doors, fascia, shall not be counted as “wall surface” when calculating the building façade requirements.
- d. All accessory buildings shall conform to the exterior façade of the main building.
- e. Additions:
 - (i) The exterior building façade of all new additions to existing structures in the Commercial zoning districts shall comply with the Building Façade Standards requirement herein, or
 - (ii) The Board of Adjustment may consider a variance or other form of architectural design to the additions of structures that existed as of October 19, 2004, the initial adoption date of this ordinance.

3. General Industrial Districts:

- a. The exterior building wall of all new structures in the Industrial zoning districts shall have a one hundred (100%) percent masonry front façade.
- b. Wood – For use in Commercial and General Industrial districts only. Wood accent materials may be utilized as an architectural accent material on the front façade only not to exceed twenty-five (25%) percent of the exterior surface. The accent material shall be a minimum of one and one half (1-1/2) inches in thickness and shall not be plywood, particle board or laminate and must be treated.
- c. Areas of a façade that are devoted to windows, doors, fascia, shall not be counted as “wall surface” when calculating the building façade requirements.
- d. Additions:

- (i) The exterior building façade of all new additions to existing structures in the industrial zoning district shall comply with the Building Façade Requirements herein, or
- (ii) The Board of Adjustment may consider a variance or other form of architectural design to the additions of structures that existed as of October 19, 2004, the initial adoption date of this ordinance.

9.2.3. - ADDITIONAL SCREENING OF BUILDING FACADES

- A. The masonry and exterior building materials listed in Section 9.2 are encouraged or discouraged for the following reasons:
 - 1. Canton is a proven tourist destination which has a significant positive impact on the City. The materials encouraged above enhance the attractiveness of Canton to those tourists and have a direct positive impact on the Canton economy.
 - 2. A number of studies have shown that there is a direct positive financial impact to the area property owners and their property values with the encouragement of these materials in construction on theirs and adjacent properties.
 - 3. Additional studies have shown that the use and encouragement of masonry on exteriors reduces the amount of long-term maintenance of the structures as evidenced by historic downtown properties in Canton. The reduced maintenance and long-term durability of masonry reduces the cost and makes it as affordable over time as other types of less durable facades.
 - 4. Canton public safety personnel have determined that masonry exteriors are more resistant to fire and other hazards than other less durable materials.
- B. To reduce the negative impact of some exterior facades on the economy of Canton, the following screening requirements will be a part of a building or remodeling permit on residential and non-residential properties that choose not to use the preferred façades listed above:
 - 1. Facades on side or rear yards shall have an eight (8) foot screening fence meeting the screening fence standards in this ordinance. In lieu of such a fence, the Building Official may approve a combination of berms, shrubs and/or trees that provide similar screening.
 - 2. The front façade(s) along the street the building faces may use a combination of berms, shrubs and/or trees that provide adequate screening of the façade while still allowing visibility of the business or residence. The Building Official shall determine, based on provided elevations, the screening requirements of the front façade.
 - 3. Trees meeting the caliper and height requirements of this ordinance shall be planted at minimum spacing of ten (10) feet or as recommended by an arborist or landscape architect for the minimum spacing for that variety of tree. Shrubs shall also meet the spacing and planting requirements of the City.
 - 4. Appeals to his decision and interpretation shall be to the Building Board of Adjustments.

9.2.4 - BUILDING FAÇADE INCENTIVES

- A. Building façade incentives for those encouraged facades listed above may include, as approved by the City Council as part of a financial incentive package in accordance with the City of Canton Economic Development policies and ordinances, the following:

1. Tax Abatements
 2. Chapter 380 Assistance or Reimbursement Agreements
 3. Reduced Building Permit Fees
 4. Other incentives as authorized by state statutes
- B. The amount of such incentives shall be approved by the City Council and may vary on a case-by-case basis depending on the positive financial impact on property values, tourism and economic development of the individual project.

SECTION 9.3 - Refuse Storage Container Screening Requirements

Refuse Storage Containers shall be enclosed on three (3) sides with six (6) foot walls constructed of the same materials and finishes as the building front façade. All openings shall have a minimum width of eight (8) feet and the gate's minimum height shall be six (6) feet. Gates may also be constructed of wood or other materials customarily used in gate construction. Wire fences are prohibited for gates.

SECTION 9.4 - Mechanical Screening Requirements

A. Ground-Mounted Equipment

All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes, gas meters, shall be reasonably screened from the view of public rights-of way and the view from adjacent properties.

1. All required screening shall meet clearances as required by the affected utility companies
2. Acceptable means of screening are trees or evergreen-type shrubbery, masonry walls as masonry is defined in this Section, earthen berms in conjunction with landscaping.
3. Screening heights shall be in proportion to the equipment it is designed to screen. A maximum height of a screen shall be ten (10) feet if a mechanical unit is taller than the maximum permitted height of the screening. Screening shall be set back from the street five (5) feet plus two (2) feet for each foot it exceeds the height of the screening allowed.

B. Roof-Mounted Equipment

All roof-mounted equipment including, but not limited to, fans, vents, and cooling towers shall be screened so as not to be visible to the immediate ground level and the ground level of adjacent properties. In addition, roof-mounted equipment shall be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

SECTION 9.5 - Screening Walls or Visual Barriers

In the event that an MF-1, MF-2, RPO, B-1 or B-2 and/or GI zoning district sides or backs upon an R-1, R-2, R-3, or R-4 zoning district, a solid screening wall or fence of not less than six (6), nor more than eight (8) feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easement are required. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of the property zoned MF-1, MF-2, RPO, B-1 and/or GI shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the property zoned R-1, R-2, R-3 or R-4, as applicable. In cases where the Planning and Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence. In cases where the Planning and Zoning

Commission finds this requirement to be better met by an irrigated evergreen living screen, the same may be substituted for the screening wall.

Items stored on a permanent basis outside shall be screened from the general public in by any of the following:

- A. A covered structure with walls made of materials that are compatible with that of the primary structure, as determined by the Building Official;
- B. An approved sight-proof fence having a minimum height of six (6) feet from average grade to a maximum of ten (10) feet. Items stored or displayed behind said fence shall be limited to a height from grade that is not more than the height of the fence, with the exception of heavy equipment or a limited amount of unstacked materials that exceed eight feet, if there is no alternative method of storing the materials.
- C. The Board of Adjustments may allow a special exception to these requirements in accordance with Section 3.6 Special Exceptions.

SECTION 9.6 - General Fence and Wall Regulations

- A. Front yard fence is defined as any fence which is built past the front building line of the principal structure on a lot. The front building line is a line parallel to the front lot line which passes through the supporting member of the principal structure
Front yard fences are allowed with the following requirements:
 - 1. Front yard fences are subject to the approval of the Building Official. A building permit is required for all front yard fences.
 - 2. Front yard fences must be decorative fences constructed of conventional fencing materials such as picket, split rail, or decorative iron. Fence material shall be pre-approved by the Building Official. Materials such as chain link, wire, barbed-wire, railroad ties, plywood, pallets or recycled materials are not allowed. For security and visibility purposes, front yard fences shall be at least 50% opaque. See-through fences that do not impact the visual dominance of the home are recommended.
 - 3. Front yard fences may not be higher than forty-eight (48) inches. Posts may not be higher than six (6) inches above the fence.
 - 4. No front yard fence may obstruct or impair the “visual sight-line” required of any driveway, street, alley, private street, avenue, lane, sidewalk, public way or public passageway. The minimum “visual sight-line” requirement is twenty-five (25) feet of clear space.
- B. Sight-proof fences (e.g. brick or wood) may not exceed eight (8) feet in height and see-through fences (e.g. chain-link) may not exceed six (6) feet in height in rear yards in residential zoning districts. Where a corner lot has two front yards, the second front yard may be fenced in the same manner as any other side yard adjacent to a street.
- C. No old or used materials shall be use in the construction of any fence unless the materials have been examined and approved by the Building Official. Fencing material must be in a sound and usable condition. All fences shall be maintained in a good state of repair at all times. Painted or stained fences must be kept in good appearance. No fence in any zone may be electrified.

- D. Any fence repair that requires more than 50% of the fence to be replaced shall require a permit with site plan.

- E. Exceptions:
 - 1. For public, private and parochial elementary and secondary schools, and day care centers, fences and berms may be a combined maximum height of sixty (60) inches above grade, provided that the fence material is wrought iron or chain link.

 - 2. Wire fences are allowed in the GI zoning district in front yards and may be allowed to enclose pastures, cropland and other areas used for agricultural purposes.

ARTICLE 10 – Definitions

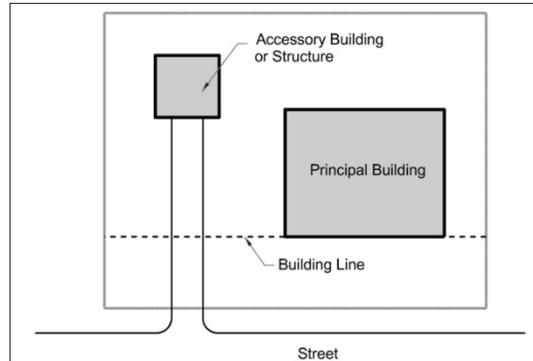
SECTION 10.1 - Purpose

For the purpose of this Article, those certain words and terms defined shall be defined and interpreted as follows. All other words and terms not expressly defined shall have their general meaning, as interpreted by the Zoning Administrator.

SECTION 10.2 - General Definitions

ACCESS: A way or means of approach to provide physical entrance and exit to a property.

ACCESSORY BUILDING: A building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. An accessory building has a total square footage less than fifty (50) percent of the main structure, is located behind the building line established by the main structure and does not exceed the height of the main structure.



ACCESSORY DWELLING: See Dwelling, Accessory.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

AGRICULTURAL SALES AND SERVICES: The use of a site for the on-site sale of feed, grain, fertilizers, pesticides and similar goods, or the provision of agricultural services with incidental storage of goods off-site. This use includes hay, feed, and grain stores and tree service firms.

ALLEY: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

AGRICULTURAL, FARMING AND FORESTRY ACTIVITIES: The use of an area for the production thereon of farm crops such as vegetables, fruit trees, cotton, grain and the storage of such crops. Forestry activities must be accessory to the main use of agricultural and farming activities

ANIMAL PRODUCTION, RANCHING AND LIVESTOCK: The use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis. This use includes grazing, ranching, dairy farming, and poultry farming. It does not include within the City Limits the commercial feeding of offal or garbage to swine or other animals.

APARTMENT: See DWELLING, MULTIPLE FAMILY

ART AND CRAFT STUDIO: The use of a lot for the production of artwork by an individual and the incidental sale of the art produced, limited to the use of hand tools, domestic mechanical equipment not exceeding two horsepower, or a single kiln not exceeding eight kilowatts.

ART GALLERY: The use of a lot for the display and sale of works of art.

AUTOMOTIVE SALES: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use. AUTOMOTIVE SALES does not include storage for a period of greater than sixty (60) days within a six-month period of a vehicle that is wrecked, dismantled, partially dismantled, discarded, or inoperable.

AUTOMOTIVE RENTALS: The use of a site for the rental of automobiles, noncommercial trucks, trailers, or recreational vehicles, including incidental parking and servicing of vehicles. This use includes auto rental agencies, trailer rental agencies.

AUTOMOTIVE REPAIR FACILITY: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

AUTOMOTIVE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOTIVE (CAR) WASHING: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, noncommercial trucks or other light duty equipment.

AUTOMOBILE WRECKING YARD: An open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts and accessories.

AVIATION FACILITIES: The use of site for provision of landing fields, aircraft parking, and service facilities and related facilities for operation, service, fueling, repair, storage, charter, sales or rental of aircraft, including activities directly associated with the operation of airport facilities.

BARRICADE AREA FOR EXISTING TREES: A protected area extending in a radius from protected trees designed to prevent intrusion by construction equipment, construction traffic and vehicles.

BARRIER: A device/ treatment controlling the management, circulation, separation, or direction of traffic, including but not limited to, wheel stops, raised islands, dividers or barricades.

BED AND BREAKFAST: An owner-occupied dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in not more than fifteen (15) rooms or unattached units (e.g., cabins) for transient guests for compensation. A small lodging establishment that offers overnight accommodation and breakfast, usually in a private family home or historic building that usually has a host in the house. Typically, bed and breakfasts lease out individual bedrooms and have between four and eleven rooms, with six being the average. Bed and Breakfast establishments are subject to the Hotel/Motel Tax for guests staying less than 30 days.

BERM: An earthen mound designed to provide visual interest, screening or decrease noise.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development. An area within the City enclosed by streets and occupied by or intended for buildings: or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side. In cases where the platting is incomplete or disconnected, the City Manager, or his/her designee, shall determine the outline of the block

BOARD OF ADJUSTMENT: The Board of Adjustment as appointed by the City Council of Canton, Texas in accordance with Chapter 211 of the Texas Local Government Code and also referred to as the "Board."

BOARDING HOUSE: An owner-occupied single-family dwelling other than a hotel where, for compensation and by prearrangement for a definite period, meals or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons. in which rooms are rented out for temporary lodging on a paying basis. Boarding House establishments are subject to the Hotel/Motel Tax for guests staying less than 30 days.

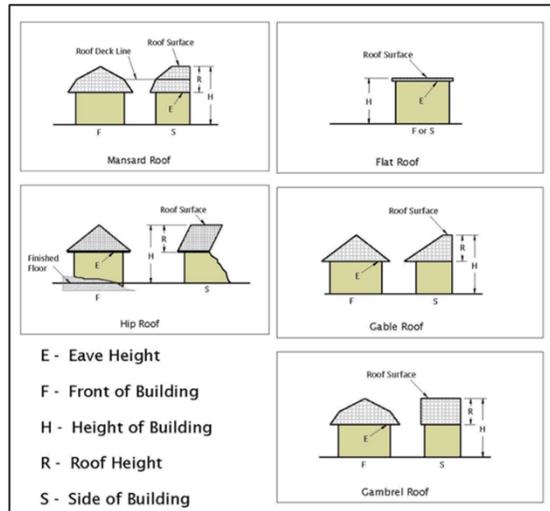
BUILDABLE AREA: That portion of a building site remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, goods, equipment or property of any kind. When separated by

fire retardant dividing walls without openings, and meeting the requirements of the adopted building codes, each portion of such structure so separated shall be deemed a separate structure.

BUILDING FAÇADE REQUIREMENTS: The requirements for materials and standards set out in Section 9.2 of this Ordinance.

BUILDING HEIGHT- The vertical distance from the average grade of that portion of the lot covered by the building to the highest point of the building, excluding those features permitted for "Additional Height" in each zoning district.



BUFFER YARD: Open spaces, landscaped areas, fences, walls, berms or any combination thereof, or of similar materials, used to physically separate or screen higher intensity uses of property from less intensive uses (whether existing or contemplated by the Zoning Ordinance) on adjoining properties to physically shield or block noise, lights or other nuisances generated on the higher intensity use and affecting the less intensive use. The higher intensity use shall bear the responsibility of providing required buffering.

BUSINESS DAY: Means a day of the week that is not a Saturday or Sunday, and that is not a holiday on which City administrative offices are closed.

BUSINESS SERVICE ESTABLISHMENTS: Establishments primarily engaged in providing services to administrative, professional, retail and commercial enterprises. "Business services" includes services such as office supplies, copier service and repair etc.

BUSINESS OR TRADE SCHOOL: The use of site for the provision of education or training in business, commerce, language or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college, university or elementary or secondary school.

CALIPER: Diameter of a predominant tree trunk measured ten (10) inches above grade for trees four (4) inches in diameter or less. For trees with larger diameter, the caliper shall be the measurement of the tree diameter two and one-half (2 1/2) feet above grade.

CALL CENTER: An area to be used by an employee whose sole job description includes telemarketing, collections and/or customer service and where office requirements are limited to a computer and a telephone.

CAMP: The use of a site to provide indoor or outdoor activities for children, such as sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

CAMPGROUND: The use of a site for provision of camping or parking areas and incidental services for travelers in recreational vehicle or travel trailers or tents.

CANOPY TREE: Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown, which attains a height of at least thirty (30) feet above grade.

CARPORT: A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles

CEMETERY: The use of the land that is dedicated for cemetery purposes for the burial of the dead, including columbarium, crematoriums, mausoleums, and mortuaries.

CENTERLINE: The line midway between the street right-of-way lines or the surveyed and prescribed centerline established by the Texas Department of Transportation or City Engineer, which might or might not be the line midway between the existing or proposed street right-of-way lines.

CERTIFICATE OF OCCUPANCY: Official certification which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. A written instrument executed by the Chief Building Official – Building Permits & Inspections authorizing a described use of a lot or building as set forth in the Building Code and in this Section.

CENTRAL BUSINESS DISTRICT (CBD): An area bounded by Groves Street on the north, Highway 19 (Trade Days Blvd.) on the east, Little Street and Wills Point Street on the west and College on the south. The map delineates the boundaries of the Central Business District.



CITY: Means the City of Canton, Texas

CITY COUNCIL: Means the City Council of the City of Canton. Also referred to as the “Council.”

CLINIC OR MEDICAL CLINIC: A healthcare establishment or facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not usually lodged overnight.

COMMERCIAL OFF-STREET PARKING: The use of a site for the parking of motor vehicles on a temporary basis within a privately-owned off-street parking facility? This use includes commercial parking lots and garages and excludes parking as an accessory use.

COMMISSION, PLANNING AND ZONING: See Planning & Zoning Commission.

COMPLETE APPLICATION: An application that meets the standards of this ordinance and has been deemed complete by the City in accordance with this ordinance and the Texas Local Government Code, Chapter 245, or successor statute.

COMPREHENSIVE PLAN: The official City of Canton Comprehensive Plan as adopted by the City Council containing policies and mapping concerning present conditions and future growth of Canton

CONSUMER REPAIR SERVICES: The use of a site for the provision of repair services to individuals or households rather than firms. This use includes appliance repair shops, watch or jewelry repair shops, and musical instrument repair shops, and excludes automotive repair services, equipment repair services, and service stations.

CONTRACTOR SHOPS AND YARDS: An area and/or building used to store equipment, trucks and motor vehicles, construction supplies, building equipment and raw materials customarily required in the construction trades of a contractor engaged in building or other construction businesses, including, but not limited to, plumbing, electrical, structural, finish, demolition, transportation, masonry, excavating or other

construction work. A contractor's yard may include an office that shares the site. Normal maintenance of equipment is allowed. The definition of a contractor's yard shall not apply to those instances where materials stored are to be used within 180 days for the improvement of a residence or business on the property where it is to be constructed.

CONVENIENCE STORE A typically freestanding, small (less than 15,000 square feet) market that is designed to be easily accessible; frequently offers extended service hours; and aims for fast convenient service, purchase of necessities, staple goods, automobile and household items (limited choice and stock), snack food, hot coffee and/or food, with or without accessory gasoline sales.

CONVENIENCE STORAGE: The use is storage services primarily for personal effects and household goods within enclosed storage areas having individual access. This use includes mini-warehouses, and excludes workshops, hobby shops, manufacturing, and commercial activity.

COURT, GENERAL: An open space, unobstructed from the ground to the sky that is bounded on two (2) or more sides by the walls of a building that is on the same lot.

A. **OUTER COURT:** An open area, unobstructed from the ground to the sky that is bounded on not more than three (3) sides by exterior walls of one or more buildings.

B. **INNER COURT:** An open area, unobstructed from the ground to the sky that is bounded on more than three sides by the exterior walls of one or more buildings.

CROP PRODUCTION: The use of a site for the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

CULTURAL SERVICES: Use of a lot for a library, museum, or similar facility.

DAY CARE SERVICES (COMMERCIAL): The use of a site for the provision of daytime care for more than twenty (20) persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

DAY CARE SERVICES (GENERAL): The use of a site for the provision of daytime care for more than six (6) but not more than twenty (20) persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

DAY CARE SERVICES (LIMITED): The use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children and adults, and similar uses, and excludes public and private primary or secondary educational facilities.

DECIDUOUS: A plant with foliage that is shed annually.

DENSITY: The average number of housing units per unit of land generally expressed as "dwelling units per acre." May be specified as either gross density (i.e., the number of dwelling units per acre based on total land area being considered) or net density (i.e., the number of dwelling units per acre excluding area in street right-of-way and publicly owned property)

DEVELOPMENT: The construction, reconstruction or enlargement of any structure or use.

DROP OFF RECYCLING: A facility used for the collection and transfer, but not the actual processing, or recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, non-putrescible materials, and excludes motor oil, chemicals, household appliances, tires, automobiles, automobile parts, and putrescible materials.

DWELLING UNIT: One (1) or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. For the purposes of these regulations, recreational vehicle, or travel trailers are not considered dwellings.

DWELLING, ACCESSORY: A detached smaller, subordinate secondary structure used as an independent residential dwelling located on the same lot as a stand-alone (i.e., detached) single-family home. Subordinate means the square footage of the accessory dwelling is less than fifty (50) percent of the main structure. An accessory dwelling may be used as a residence and includes one bedroom, a fully functioning kitchen and bathroom. A garage apartment shall be deemed an accessory structure on the lot which it is situated. Accessory dwelling units shall comply with all height, area and yard requirements of the respective zoning district. Accessory dwelling units are to be occupied by immediate family members or guests that are not paying for or renting the unit. Such units shall not be used for short term rentals.

DWELLING, SINGLE FAMILY DETACHED: - A dwelling which is designed and constructed for occupancy by one family, and located on a lot or separate building tract, and having no physical connection to a building located on any other lot or tract.

DWELLING, SINGLE FAMILY ATTACHED: Two or more dwelling units that are constructed with common or abutting walls or connected by a carport, garage or other structural element.

DWELLING, TWO FAMILY OR DUPLEX: Two attached dwellings in one structure under one common ownership, each side designed to be occupied by one family.

DWELLING, TOWNHOME: Two or more single family dwellings attached along a single common property line, each unit designed to be occupied by one family. Each unit is located on its own platted lot with separate utilities. The buildings, while attached, are separately owned with a common wall meeting the fire and separation requirements of the adopted fire and building codes.

DWELLING SIZE, MINIMUM: The square footage considered actual living space excluding garages, carports, porches, storage rooms and servants' quarters.

DWELLING, MULTI-FAMILY OR APARTMENT: A dwelling unit in a building under one ownership containing three or more dwelling units with individuals and families leasing or renting separate quarters and living independently of each other.

DWELLING, ZERO LOT LINE OR PATIO HOME: A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

EATING ESTABLISHMENT: Any building or premises primarily engaged in the retail sale of prepared food and drink for on-site or off-site immediate consumption. Includes the term "restaurant, grill and diner."

EATING ESTABLISHMENT WITH DRIVE IN SERVICE: An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

EATING ESTABLISHMENT WITH DRIVE THROUGH SERVICE: - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through service window(s).

EATING ESTABLISHMENT WITH NO DRIVE THROUGH SERVICE: An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

EATING ESTABLISHMENT, TAKE OUT: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

EQUIPMENT SALES AND RENTAL: The use of a site for the sale or rental of, tractors, construction equipment, agricultural implements, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships

EVERGREEN: A plant with foliage that remains green year-round.

EXISTING TREE: Any self-supporting woody plant with at least one well-defined trunk, which is present on property prior to development.

EXTERMINATING SERVICES: The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.

FAMILY: One or more persons related by blood, marriage, or legal adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house or a hotel. Living as a single housekeeping unit is evidenced by the following:

- A. One primary entrance shared by all residents.
- B. Kitchen facilities shared by and accessible to all residents.
- C. Restroom facilities shared by and accessible to all residents
- D. Bedroom(s) used by family members meeting building code requirements

FAMILY DAY HOME (CHILD CARE IN PLACE OF RESIDENCE): A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources. Also referred to as "Child Day Nursery" and "Day Nursery."

FARM IMPLEMENTS AND TRACTORS: Any self-propelled conveyance designed to be used in farming or ranching operations for insuring or cultivating the land.

FARMER'S MARKET: Use of a lot for an open-air market or stalls for the sale of locally grown produce, flowers and plants, and locally made breads, jams, pastries, meats, cheeses and other edibles, and related items

FLOOR AREA, GROSS FLOOR: The sum of the gross horizontal area of the several floors of a building or structure from the exterior faces of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to ceiling height is less than seven (7) feet.

FOOD STORES: See Store, Food

FOOD TRUCK: A mobile kitchen, trailer, catering truck, mobile canteen, or other mobile venue with no permanent fixed location, the vendor of which prepares all or most of its food on board the vehicle to serve or distribute to customers in a form suitable for immediate ingestion or consumption and meeting the requirements of the City of Canton, the Department of State Health Services (DSHS) and the Texas Commission on Environmental Quality (TCEQ)

FOOD TRUCK PARK: An area on private property designated to accommodate one or more food trucks on a regular basis with paved parking and access to public restrooms.

FRONTAGE: The side of a lot abutting on a street; the front lot line.

FUNERAL SERVICES: The use of a site for the preparation of human dead for burial or arranging or managing funerals. This use includes funeral homes and mortuaries.

GAME ROOM OR INDOOR AMUSEMENT CENTER: Any place of business lawfully containing eight (8) or more amusement devices, including but without limitation, coin-operated devices, bowling alleys, card

tables or pool and billiard tables, operated in conjunction therewith, where persons of all ages and either sex are permitted on the premises.

GARAGE, PRIVATE: An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called “enclosed parking space.”

GARAGE, PUBLIC: A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE SALES: All general sales, open or advertised to the public, conducted from or on a residential premise in any residential zone, for the purpose of selling, bartering, trading or otherwise disposing of tangible personal property. Such sales shall include any other event in which more than five (5) items of tangible personal property are to be sold, bartered, traded or otherwise disposed of.

GASOLINE SERVICE OR FILLING STATION: See “Automotive Gasoline or Motor Fuel Service Station.”

GOVERNMENT ADMINISTRATIVE AND BUSINESS OFFICES: Administrative and business offices operated by a Federal, State or local government for government purposes.

GRASS: Any of numerous grass species that will attain a thick green cover of turf over the available soil area.

GROUND COVER: Any woody or herbaceous plant that effectively shades sod that will not generally attain a height above two (2) feet.

GROUP HOME, CLASS I (GENERAL): The use of a site for the provision of a family-based facility providing twenty-four (24) hour care in a protected living arrangement for more than six (6) but not more than fifteen (15) residents and not more than three (3) supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons sixty (60) years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.

GROUP HOME, CLASS I (LIMITED): The use of a site for the provision of a family-based facility providing twenty-four (24) hour care in a protected living arrangement for not more than six (6) residents and two (2) supervisory personnel. This use includes foster homes, congregate living facilities for persons sixty (60) years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or mental impairments are persons whose impairments substantially limit one or more of the persons’ major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.

GROUP HOME, CLASS II: The use of a site for the provision of a family-based facility providing twenty-four (24) hour care in a protected living arrangement for not more than fifteen (15) residents and not more than three (3) supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.

HOME OCCUPATION: An occupation, profession, domestic craft, or economic enterprise carried out for gain which is incidental to and customarily conducted in a “residential dwelling” by the resident and is secondary to the residential use. The appearance of the use and structure will remain residential in appearance and not have any significantly adverse impact on the surrounding neighborhood

HOME SCHOOLING: Instruction to a child in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child’s home.

HORTICULTURE (include wholesale plant nurseries): the use of a site for the growing of horticultural or flora cultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales. This use includes wholesale plant nurseries and greenhouses.

HOSPITAL: An institution that is licensed by the State of Texas and that falls within one of the following definitions:

HOSPITAL, Acute Care: An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life.

HOSPITAL, Chronic Care: An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given medical care and treatment on a prolonged or permanent basis.

HOSPITAL SERVICES (GENERAL): The use of a site for the provision of medical, psychiatric, or surgical services on an in-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.

HOSPITAL SERVICES (LIMITED): The use of a site for the provision of medical, psychiatric, or surgical services on an out-patient basis, and includes emergency treatment, diagnostic services, training, administration, and services to out-patients, employees, and visitors.

HOTEL OR MOTEL: A facility offering transient lodging accommodations to the general public. A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature. Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private buildings or facilities that contain no more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor. They may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

HOUSEHOLD HAZARDOUS WASTE DISPOSAL: A site permitted for the collection and disposal of chemicals and substances of a toxic or hazardous nature that are frequently found in or used in the home, including batteries, antifreeze, mercury containing products and the like

INDOOR ENTERTAINMENT: A predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

INDUSTRIALIZED HOUSING/MODULAR HOME: See Modular Home/Industrialized Housing.

INDUSTRIAL USES – See Manufacturing, Light and Heavy:

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use of disposition.

JUNKYARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, dismantling, processing, purchase, sale, salvage, or disposal of broken, worn, discarded or damaged items, used or waste materials that are not intended for re-use in their original form, or for other items normally classified as junk. This use includes automotive wrecking yards, and paper salvage yards.

KENNELS: The use of a site for the boarding and care of dogs, cats, or similar small animals. This use includes boarding kennels, pet motels, and dog training centers.

KENNELS, INDOOR PENS: An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

KENNELS, OUTDOOR PENS: An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

KIOSK: A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty (50) square feet.

LANDSCAPED AREA: An area devoted to and which may consist of plant materials, trees, water forms, planters, brick, stone, aggregate and other materials customarily utilized for landscaping purposes, or any combination of these items, but not including the use of smooth concrete or asphalt and like materials.

LANDSCAPE PLAN: The landscape plan, or sufficiently detailed site development plan, containing adequate information to demonstrate compliance with all applicable buffer yard, screening and landscaping requirements of this ordinance.

LANDSCAPING: Changing, rearranging or adding to the original vegetation or scenery of land, including the reshaping of the land by moving earth, preservation of original vegetation or addition of new vegetation, or any combination of these treatments.

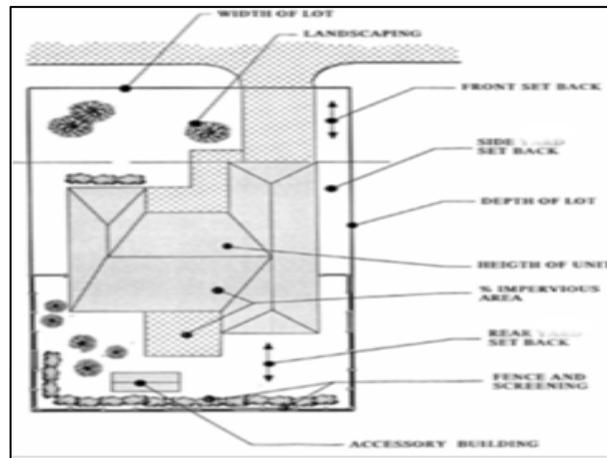
LANDFILL: The use of a site for the disposal of household and nonhazardous waste materials.

LAUNDRY SERVICES: The use of a site for the provision of laundering, dry cleaning, or dyeing services other than those classified as personal services. This use includes bulk laundry and cleaning plants, diaper services, and linen supply services.

LAUNDROMAT WASHATERIA/SELF-SERVICE: A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines on the premises that are operated by the patron/general public

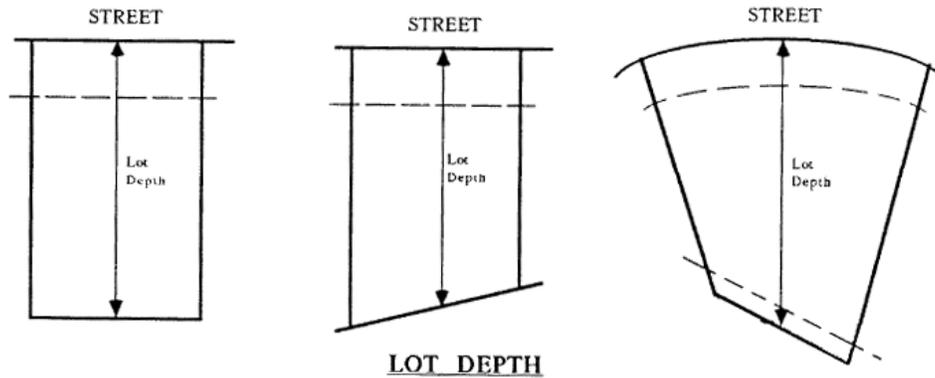
LIVING UNIT: Shall have the same meaning as “DWELLING UNIT”.

LOT: An undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied, by a building or building group together with accessory buildings and used together with such yards and other open spaces as are required by this Ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.



- A. **LOT AREA:** The total area within lot lines, excluding any street rights-of-way but including any easements.
- B. **LOT COVERAGE:** The proportion of lot or site covered or permitted to be covered by a building(s) or structure(s). Percentage of the total square footage/area of a lot occupied by the base (first story or floor) of buildings located on the lot.

C. **LOT DEPTH:** The average distance measured from the front lot line to the rear lot line.



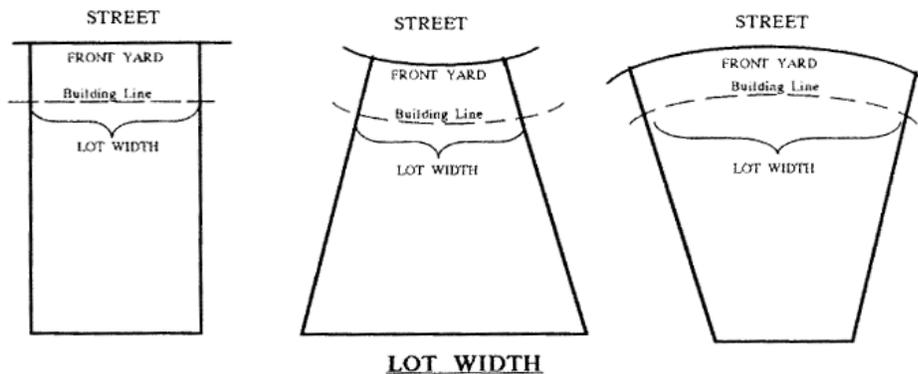
D. **LOT LINE:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

1. **FRONT:** The lot line separating a lot from a street right-of-way.
2. **SIDE:** Any lot line other than a front or rear lot line.
3. **REAR:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

E. **LOT OF RECORD:** A lot that exists as shown or described on a plat or deed in the county real property records.

F. **LOT, CORNER:** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

G. **LOT WIDTH:** The distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.



MANUFACTURED HOME OR MANUFACTURED HOUSING: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with a permanent foundation as defined in the MH District when the structure is connected to the required utilities, transportable in one or more sections, and

in the traveling mode, at least eight body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet. The term “HUD-Code manufactured home” includes the plumbing, heating, air conditioning, and electrical systems of the home. The term does not include a recreational vehicle or travel trailer as defined by 24 C.F.R. Section 3282.8(g).

MANUFACTURED/MOBILE HOME SUBDIVISION: A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned manufactured/mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the manufactured/mobile home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

MANUFACTURING, HEAVY: Use of a site for a basic industrial processing that includes:

- A. The basic processing and manufacturing of materials or products predominately from extracted or raw materials;
- B. Storage or manufacturing processes that involve flammable or explosive materials; or
- C. Storage or manufacturing processes that involves hazardous or commonly recognized offensive conditions, including poultry processing.

MANUFACTURING, LIGHT: The use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.

MEDICAL OFFICES: The use of a site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, medical or dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for practice by the state.

MILITARY INSTALLATION: The use of a site for the provision of military facilities by the federal or state government.

MINIMUM DWELLING SIZE: See “Dwelling Size, Minimum.”

MINI-WAREHOUSE/SELF-STORAGE: Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

MOBILE HOME: A structure constructed before June 15, 1976, that is built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight feet in width and at least 40 feet in length containing at least 320 square feet. The term “mobile home” includes the plumbing, heating, air conditioning, and electrical systems of the home.

MODULAR HOME/INDUSTRIALIZED HOUSING A residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. The term “industrialized housing” includes the structure's plumbing, heating, air conditioning, and electrical systems. The term “industrialized housing” does not include:

- A. A residential structure that exceeds three stories or forty-nine (49) feet in height;
- B. Housing constructed of a sectional or panelized system that does not use a modular component; or

- C. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

MONUMENT: A structure built for commemorative or symbolic reasons, or as a memorial.

MULTI-FAMILY or APARTMENT BUILDING A building under one ownership containing five or more dwelling units with individuals and families leasing or renting separate quarters and living independently of each other. See Dwelling, Multiple Family

MULTIPLE FAMILY RESIDENTIAL USE: The use of a lot or parcel for a building (s) under one ownership containing five or more dwelling units with individuals and families leasing or renting separate quarters and living independently of each other.

NON-CANOPY TREE: Any self-supporting woody plant with one or more trunks, which will attain a height of at least fifteen (15) feet.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

NONCONFORMING LOT: A lot, tract or parcel of land, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.

OFFICES, PROFESSIONAL: A room or group of rooms used for the provision of professional services. Typical uses include real estate, architects, engineers, surveyors, accountants, insurance, property management, investment, legal, personnel, travel, secretarial services, medical, dental, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical clinics as defined.

OFFICE, ADMINISTRATIVE AND BUSINESS: The use of a site for the provision of executive, management, or administrative services. This use includes:

- A. Administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, secretarial, telephone answering, and photocopy and reproduction; and
- B. Business offices for public utilities, organizations, associations, and other use classifications if the service rendered is customarily associated with administrative office services.

OFFICE SHOWROOM/ WAREHOUSE: An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

OUTDOOR SALES: Any primary use of a premises whereon goods, materials, or merchandise is displayed for the purpose of sale, and which the display area is greater than thirty percent (30%) of the gross floor area of the principal building

OUTSIDE STORAGE: The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.

OUTDOOR ENTERTAINMENT: A predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.

PARCEL: Any unplatted tract of land or any portion of an unplatted tract of land (also known as “Tract.”

PARKING SPACE: An area meeting the dimensional requirements prescribed by this ordinance, paved with a concrete or asphalt surface together with a concrete or asphalt surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. The space shall not be located within a public street or alley, nor shall head-in parking adjacent to a public street or alley, wherein the maneuvering is done on a public street or alley, be classified as off-street parking in computing the parking requirements for any use.

PARKWAY: That portion of the public right-of-way located between the edge of the pavement (or curb) of any public street (which is not an alley) and the boundary of the public right-of-way.

PAWN SHOP: An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

PERSON: The word "person" when used in this Ordinance shall, for the purpose of this Ordinance, mean every natural person, firm, co-partnership, association, partnership, corporation or society; and the term "person" shall include both singular and plural, and the masculine shall embrace the feminine gender.

PERSONAL SERVICE ESTABLISHMENTS: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. “Personal services” includes services such as cleaning and pressing service, linen supply, barber shops, beauty shops, and shoe repair.

PET SALES AND SERVICES: The use of a site for the retail sale of small animals customarily used as household pets, or for the provisions of veterinary, grooming, boarding or similar services, totally within a building, but excluding uses for livestock and large animals.

PLANNED DEVELOPMENT DISTRICT: Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, mixed use developments, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

PLANNING AND ZONING COMMISSION: A board created in accordance with Chapter 211 of the Texas Local Government Code. It is appointed by the City Council as an advisory body and is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the “Commission.”

PLANT MATERIALS: Living trees, shrubs, vines, grass, ground covers, cactus and flowering annuals, biennials and perennials.

PLANT NURSERY: The use of a site for sale of plants or related goods or services. This use includes garden centers and tree service firms.

POSTAL FACILITIES: The use of a site for the provision of postal services and includes post offices, bulk mail processing, and sorting centers by the United States Postal Service.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot in which it is situated. In a residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport shed, garage or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of any accessory building.

PRINCIPAL USE: The primary purpose for which land or building is used as permitted by the applicable zoning district.

PRIVATE CLUB: An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

PROFESSIONAL OFFICE: The use of a site for the provision of professional or consulting services in the fields of law, architecture, design, engineering, accounting, or similar professions.

PROPERTY: The real property included within the boundaries of any lot approved and recorded in the plat records of the county of jurisdiction, or an unplatted tract or parcel of land as described and recorded in the Real Property Records of the county of jurisdiction.

PROPERTY LINE: See LOT LINE.

PROTECTED AREA: An area barricaded so that construction practices in the field will protect existing trees and other vegetation from compaction of soil, changes in grade, erosion, and damage from vehicles and construction machinery.

PROTECTED TREE: A tree for which a temporary or permanent barrier was constructed to protect the tree from damage during construction and/or from normal site usage and vehicle movements.

PUBLIC BODY: Any federal, state, or local governmental entity.

PUBLIC USE: The use of any land, water, or buildings by a public body for a public purpose.

RAILROAD FACILITIES: The use of a site for provision of railroad yards, equipment servicing facilities, or terminal facilities.

RECREATIONAL EQUIPMENT SALES: The use of a site for the sale or rental of sports equipment, watercraft, watercraft motors, trailers, motorcycles, or motorhomes, and includes incidental storage, maintenance, and servicing.

RECREATION AND SPORTS (INDOOR): A recreational use conducted in enclosed facilities. This use includes indoor swimming pools, tennis courts, and racquetball courts.

RECREATION AND SPORTS (OUTDOOR): A recreational use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

RECREATION AND PARK SERVICES: The use of a site for the provision of parks, playgrounds, recreation facilities, or open spaces available to the general public and under the management or control of a public agency.

RECREATIONAL VEHICLE (RV): A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence.

RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND: An area or commercial campground with improved sites for the users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum 90 calendar daytime period. The park/campground shall not be less than three (3) acres nor greater than thirty-five (35) acres. Facility must be developed in accordance with the Canton Code of Ordinances as adopted and may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

RECREATIONAL VEHICLE PARK: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RELIGIOUS ASSEMBLY: use of a site is regular organized religious worship or religious education in a permanent or temporary building, including parochial elementary and secondary schools. The use excludes private elementary or secondary schools, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.

RESEARCH SERVICES: The use is research of an industrial or scientific nature. This use includes electronics research laboratories, space research or development firms, and pharmaceutical research labs, and excludes product testing.

RESIDENCE: See DWELLING UNIT.

RESIDENTIAL TREATMENT: The use is 24-hour supervision, counseling, or treatment for more than 15 residents not needing regular medical attention. This use includes alcohol and chemical dependency and rehabilitation facilities, facilities to which persons convicted of alcohol or drug-related offenses are ordered to remain under custodial supervision as a condition of probation or parole, and residential care facilities and halfway houses for the emotionally ill.

RESOURCE EXTRACTION: The use is of a site for on-site extraction of surface or sub-surface mineral products or natural resources. This use includes quarries, borrow pits, sand or gravel operations, oil or gas extraction, and mining operations.

RESTAURANT: See Eating Establishment.

RESTAURANT, TAKE-OUT: See Eating Establishment, Take Out

RESTRICTIVE COVENANT OR DEED RESTRICTION. A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. Also referred to as a “deed restriction.” A private legal restriction on the use of land usually set forth or referred to in the deed. Such covenants shall run with the land and are binding upon present and subsequent owners of the property. The City may consider restrictive covenants in their re-zoning activities but is under no obligation to comply with them.

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES, OUTDOOR: The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

RETAIL SERVICES: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking establishments, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

RETAIL STORES: Stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc.

RETIREMENT HOUSING: The use of a site for dwelling units designed and marketed specifically for the elderly and may include assisted living facilities.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, purchase, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

SAFETY SERVICES: The use of a site for provision of public safety and emergency services and includes police and fire protection services and emergency medical and ambulance services.

SALVAGE YARDS: See JUNKYARD.

SCHOOL, EDUCATIONAL FACILITIES - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency, and such federally funded educational programs for preschool children as the Head Start Program. Also includes administration buildings for educational programs and districts.

SCHOOL, PAROCHIAL: A private elementary or secondary school offering instruction in the branches of learning and study required to be taught in Texas under applicable laws and also providing teaching of religion or religious studies. Parochial elementary and secondary schools are included within Religious Assembly.

SCHOOL, PRIVATE ELEMENTARY: The use of the site for a private school offering instruction at the elementary school level in the branches of learning and study required to be taught in Texas public schools.

SCHOOL, PRIVATE SECONDARY: The use of site for a private school offering instruction at the secondary school level in the branches of learning and study required to be taught in Texas public secondary schools

SCHOOL, PUBLIC ELEMENTARY: The use of a site for a public-school offering instruction at the elementary school level in the branches of learning and study required to be taught in Texas public schools

SCHOOL, PUBLIC SECONDARY: The use of site for a public-school offering instruction at the secondary school level in the branches of learning and study required to be taught in Texas public secondary schools.

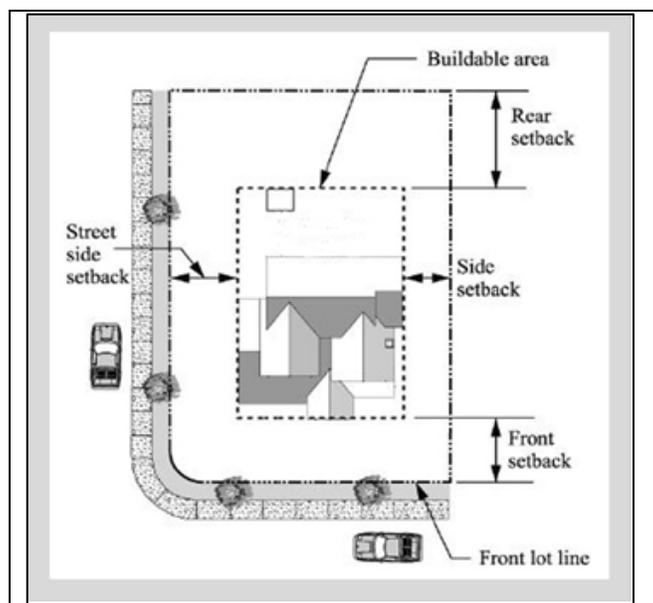
SCREENING: A method of visually shielding one abutting or nearby structure or use from another by fencing, walls, berms and/or densely planted vegetation, or any combination of these methods.

SERVICE ESTABLISHMENT, BUSINESS: See Business Service Establishment

SERVICE ESTABLISHMENT, PERSONAL: See Personal Service Establishment

SERVICE STATION: See Automotive Service Station.

SETBACK: The distance between the building and any lot line.



Setback Illustration

SETBACK LINE: The line that is the required minimum distance from any lot line that establishes the area within which the principal building may be erected. It is a line parallel, or approximately parallel, to any property line or street line if so designated at a specific distance there from, marking the minimum or maximum distance from the property line that a building may be erected, and marking the building envelope, the area in which a building may be erected. Also, a line at a specified distance from the street, marking the minimum distance from the street line that a building may be erected.

SINGLE FAMILY ATTACHED DWELLINGS: See Dwelling, Single Family Attached.

SINGLE FAMILY DETACHED DWELLING: See Dwelling, Single Family Detached.

SINGLE FAMILY RESIDENTIAL USE: Use of a lot for only one dwelling unit, other than a manufactured home

SHOPPING CENTER: A group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking and loading provided on the property, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SHORT TERM RENTAL: A short-term rental, often called a vacation rental, is the rental of a residential dwelling unit or accessory building on a temporary basis for periods of less than 30 consecutive days. Such rental units are subject to the City of Canton Hotel Occupancy Tax as required in Ordinance No. 2008-02 as amended.

SHRUB: A woody perennial plant distinguished from herbaceous plants by its persistent woody stem and from a tree by a mature height of less than fifteen feet (15') and having no distinctive elevated crown of foliage.

SKILLED NURSING FACILITY: A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization. Also referred to as "Nursing Home," "Convalescent Home," or "Long-Term Care Facility."

SOFTWARE DEVELOPMENT: The use of a site for development or testing of computer software packages including magnetic disks, tapes, and associated operating manuals. This use excludes printing, distribution, and software manufacturing.

SPECIFIC USE PERMIT. A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the City Council. See Sec. 4-7

STABLE: The use of a site for boarding, breeding or raising of horses not owned by the occupants of the premises, or the rental of horses for riding. This use includes boarding stables or public stables.

STATUE: A three-dimensional work of art, often of a person or animal, usually created by sculpting, carving, molding or casting.

STORE, FOOD: Establishments selling food and/or drink products for consumption off the premises and shall include: convenience grocery stores, fruit and vegetable stores, bakeries, retail (limited preparation of products for on-premises sales), meat and fish stores, dairy product stores, butcher shops, candy stores, liquor and/or wine stores and other stores of a similar nature but excluding supermarkets unless so stated.

STOCKYARDS: The use of a site for the temporary keeping of livestock for slaughter, market or shipping, including stockyards, animal sales, and auction yards.

STORAGE OR WHOLESALE WAREHOUSE: A building used primarily for the storage of goods and materials.

STREET: Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action. The term “street” includes the land between the street right-of-way lines, whether improved or unimproved.

STREET RIGHT-OF-WAY: See STREET.

STREET YARD: The area of a lot located between the street right(s)-of-way line(s) and each building that faces the said street right(s)-of-way.

STRUCTURAL ALTERATION: Any change except for repair or replacement in the supporting members of a structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls of a structure.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUPPORT HOUSING (agricultural employees and families): The use of a site for living accommodations by agricultural employees or their families.

TATTOO OR BODY PIERCING STUDIO: A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

TELECOMMUNICATION TOWER: The use of a site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications.

TEMPORARY: Used or lasting for only a limited period of time; not permanent.

TEMPORARY BUILDING: A building without any foundation or footings and that may be removed when the designated time period, activity, or use for which the temporary building was erected has ceased.

TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE: A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

THEATER: The use of a site for presentation of plays motion pictures, or other dramatic performances within a building.

TIRE SALES (INDOORS, NO OUTSIDE STORAGE): A retail establishment engaged in the sale and/or installation of tires for vehicles, but without outside storage.

TIRE SALES (OUTDOORS, WITH OUTSIDE STORAGE): A retail establishment engaged in the sale and/or installation of tires for vehicles, with outside storage.

TOURIST HOME: See BED AND BREAKFAST.

TRANSPORTATION TERMINAL: The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities.

TRANSITIONAL HOUSING: The use of a site for the supervision or detention of more than 15 residents who are making the transition from institutional to community living. This use includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders, and overnight shelters for the homeless.

TRAILER, TRAVEL OR CAMPING: A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

TRUCK: - A light or heavy load vehicle (see definitions for “Light Load Vehicle” and “Heavy Load Vehicle”).

TRUCK AND BUS REPAIR: - An establishment providing major and minor automotive repair services to heavy load vehicles.

TRUCK AND BUS LEASING: The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

TRUCK SALES AND SERVICES (HEAVY TRUCKS): The display, sale or rental of new or used heavy load vehicles in operable condition.

TRUCK STOP: A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

TRUCK TERMINAL: An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

UNIVERSITY AND COLLEGE: The use of a site for the provision of post-secondary instruction and education in accordance with requirements established by Texas law and the applicable accreditation agencies for community colleges, junior colleges, four-year colleges and universities.

UNPROTECTED TREE: A tree that has no specially constructed protection barriers to prevent damage due to construction or normal vehicular movement.

URBAN FARM: Use of a lot as a family farm or small-scale farm for animal production or crop production for the sale of fruits, vegetables, plants, eggs and other food items

USABLE OPEN SPACE: The part of the ground area (improved or unimproved), roof, balcony, or porch which is designed or intended for outdoor living, recreation or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking and loading areas or any other paved vehicular ways and facilities as well as all required minimum front yard areas.

USE: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

UTILITY FACILITIES: Use of a site for the provision of generating plants, electrical switching facilities or primary substations, water or wastewater treatment plants, or similar facilities.

VARIANCE: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustments of the City can grant a variance.

VEGETATED AREA: Ground area of a site that is covered by plants, including trees, undergrowth and grasses.

VEGETATION: Any type of growing plant material.

VEHICLE: Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance over land surfaces and licensed as a motor vehicle.

VEHICLE SALES AREA: An open area, other than a right-of-way or public parking area, used for display, sale, or rental of new or used vehicles in operable condition and where no repair work is done.

VEHICLE STORAGE: The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards but excludes dismantling or salvage.

VETERINARY SERVICES: The use of site for provision of veterinary services and hospitals for animals. This use includes pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

WALL BUILDING LINE: A line extending along the facade of the building(s), parallel to the property line(s) facing a street right-of-way line(s). Such line shall be used to determine the overall area, depth and shape of the required street yard.

WAREHOUSE AND DISTRIBUTION: The use of a site for provision of wholesaling, storage or warehousing services within an enclosed structure. This use includes wholesale distributors, storage warehouses and moving or storage firms.

YARD: The open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

- A. **FRONT YARD:** A space extending the full width of the lot between any building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the main building to the nearest point of the front lot line, or the center line of the street in certain specified cases.
- B. **REAR YARD:** A space extending across the full width of the lot between the principal building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building to the nearest point of the rear lot line, or the centerline of the alley in certain specified cases.
- C. **SIDE YARD:** A space extending from the front yard to the rear yard between the principal building and the side lot line. The depth of the required side yard shall be measured horizontally from the nearest part of the main building to the nearest point of the side lot line. No part of an alley shall be used as a part of the side yard.

ZONING ADMINISTRATOR. The person designated by the City Manager to administer and enforce the provisions of this ordinance.

ZONING DISTRICT: A specifically delineated area or district in the City of Canton, Texas, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

ZONING MAP: The term zoning map shall mean the Official Zoning Map of the City of Canton, Texas, and all amendments to such zoning map. The zoning map depicts the boundaries of all zoning districts in the City. Landscape Regulation Definitions

ARTICLE 11 - Appendices

SECTION 11.1 - Appendix: Permitted Use Table

Land and structures in each of the zoning districts may be used for any of the uses indicated in the City of Canton use tables in each district and within this Appendix. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses as specified herein

PRT	Use by Right
SUP	Use Requires Specific Use Permit
SE	Use Requires Special Exception
	Use Not Allowed
(def)	Use Defined

It is recognized that new types of land use will arise in the future and forms of land use not presently in use in the city, or not anticipated, may seek to locate in the City. To provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the City's zoning ordinance shall be made in accordance with Section 5.1. If there is a conflict between this use table and the one provided in each district, the requirements in this one shall prevail.

The City of Canton, Texas shall be divided into classes of residential, office, commercial, industrial and special zoning districts as presented in Article 6 Zoning Districts.

Abbreviated Designation	Zoning District Name
RA	Agricultural District
R-1	Single Family Detached Residential District
R-2	Single Family Detached Residential District
R-3	Single Family Detached Residential District
R-4	Manufactured Housing District
MF-1	Multiple Family Residential District
MF-2	Multiple Family Residential District
MH-1	Manufactured Park District
RPO	Restricted Professional and Office District
B-1	Local Business District
B-2	General Business District
FMB-A1	First Monday Business District
FMB-A2	First Monday Business District
GD	Gateway District
GI-1	General Industrial District
PD	Planned Development District
HD	Historic Preservation Overlay District

PERMITTED USE CHART

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Accessory Structures: Garages, Carports, Storage Rooms, Swimming Pools, and other structures customarily incidental to Principal Structure.	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT			
Agricultural, Farming and Forestry Activities and structures incidental thereto (def)	PRT												PRT		
Agricultural Sales and Services (def) including farm implements and tractors (def)											SUP		PRT		
Alcohol Sales in accordance with ordinance										PRT	PRT	PRT	PRT	PRT	PRT
Amusement - commercial											SUP				
Amusement (indoor) – video games										SUP	PRT				
Animal Production, Ranching and Livestock (def)	SUP														
Animal Sales and Auctions (not related to pet sales)	SUP														
Animal Sales, Temporary (as part of First Monday or in accordance with the Special Event Ordinance)															PRT
Animal Stables (def) or Boarding, Public, Commercial	SUP														
Animal Stables, personal (in accordance w/adopted animal regulatory ordinances)	PRT														
Arena, Rodeo											SUP				
Arena, Sports – see Stadium															
Art galleries (def)									PRT	PRT	PRT	PRT			
Art and Craft Studio (def)									PRT	PRT	PRT	PRT			
Asphalt or concrete batching plant (temporary) – See Concrete, Asphalt Batching Plant															
Assisted living facility - See Retirement Housing															
Automotive – accessories sales and installation										SUP	PRT				
Automotive – car wash (def)										SUP	PRT				
Automotive - Repair facility (def) – major auto repairs conducted entirely inside primary structure, with no outside parking of partially dismantled vehicles, nor outside storage of parts or equipment at any time											PRT		PRT		
Automotive – quick service automobile lubrication											PRT				
Automotive – Rental - cars, non-commercial trucks (def)											PRT				
Automotive - Service station (def)										SUP	PRT				
Automotive – Sales, and services											PRT				
Aviation Facilities (def), Airport (public or private)	SUP										SUP		SUP		
Bed & Breakfast (def)	SUP	SUP	SUP	SUP	SUP	SUP	SUP		SUP	SUP	SUP	SUP		SUP	SUP
Bingo parlor											SUP				
Boarding, rooming or lodging house (not a short-term rental) (def)	SUP	SUP	SUP	SUP											
Boat Storage											SUP				
Bowling alley											PRT				

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Brick, firebrick and clay products see Manufacturing, Heavy															
Broadcasting facilities, radio, television, microwave, PCS or cellular towers (See Towers)															
Business Service Establishment (def)									PRT	PRT	PRT	PRT	PRT		
Butane Storage and Sales see Storage and sales– petroleum, butane, propane products											SUP				
Campgrounds (def)	SUP										SUP			SUP	SUP
Caretaker/security living quarters as accessory use only										SE	SE	SE	SE		
Carnival – see Circus															
Cemetery or Mausoleum											SUP				
Charitable organizations other than churches	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	PRT				
Churches and other houses of worship	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT
Church parsonages, related staff living quarters	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Church facilities, lodges and similar public organizations	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP							
Circus, Carnival	SUP										SUP				
Civic Use									SUP	SUP	SUP	SUP			
Clinic – veterinary hospital and/or clinic - see Veterinary Services (def)															
Clinics, Medical (def)									SUP	SUP	PRT	SUP			
Coal, coke or wood yard													SUP		
Collection Agencies									PRT	PRT	PRT	PRT			
Concrete or asphalt batching plant, on temporary basis related to a specific project (for no more than 180 days)	<i>As permitted by the Building Official</i>														
Concrete or asphalt batching plant, on permanent basis													SUP		
Construction office by authority of bldg. official for specific time periods	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Construction operations and storage yard													PRT		
Continuing care retirement community -see Retirement, Housing															
Convenience Store (def)											SUP	PRT	SUP		
Day Care Services, Commercial (def - More than 20) See also Family Day Home						SUP	PRT			SUP	SUP				
Day Care Services, General (def - Less than 20, more than 6)						PRT	PRT								
Day Care Services, Limited (def - Less than 6)						PRT	PRT								
Display, Outside	<i>In accordance with Section 5.13, Outside Display</i>														
Driving ranges – see Golf Course															
Dwelling, Accessory	SUP	SUP	SUP	SUP											
Dwelling - "Loft Apartments" (2 nd and 3 rd floors only in CBD as defined)											SUP				
Dwelling-multi-family-duplexes, triplexes, quadplexes only						PRT	PRT								
Dwelling-multi-family including apartments, duplexes, triplexes, quadplexes							PRT								

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Dwelling - Single family detached (def)	PRT	PRT	PRT	PRT	PRT	SUP	SUP		SUP			PRT			
Dwelling – Single family living quarters located above commercial business for primary owner only, no rentals											SUP	SUP			
Dwelling, Single family attached	<i>Must be located in a Planned Development in accordance with Section 6.24</i>														
Dwelling, Townhome	<i>Must be located in a Planned Development in accordance with Section 6.24</i>														
Dwelling, Zero Lot Line or Patio Home	<i>Must be located in a Planned Development in accordance with Section 6.24</i>														
Eating establishments unless otherwise specified										PRT	PRT	PRT		PRT	PRT
Eating Establishment with Drive-In Service											PRT				
Eating Establishment with Drive Through Service											PRT	SUP			
Eating Establishment, Food Trucks (See Food Trucks)															
Eating Establishment, Take Out										SUP	PRT	SUP		SUP	SUP
Electric substation (See Utilities-Electric Substation)															
Equipment Sales and Rental (Heavy)											SUP		SUP		
Exhibition Hall											PRT				
Fairgrounds	SUP										SUP				
Farmer's Market	SUP									PRT	PRT	PRT			
Family Day Home (Child Care in residence) (6 full time, 6 after school) (aka Registered Family Home)	PRT	PRT	PRT	PRT	PRT	SUP	SUP	SUP							
Family Day Home – all other childcare - see Day Care Services															
Financial Institutions, Banks or Credit Unions but not including Pawn Shops										PRT	PRT	PRT			
Food Trucks (def)											City Reg			City Reg	City Reg
Food Truck Parks (def)											SUP			SUP	SUP
Funeral services (def) including funeral home, parlor and mortuaries.											PRT				
Game Room or Indoor Amusement Center (def):											PRT				
Garden center (with outside storage)										SUP	PRT	SUP			
Garden, farm equipment, implement and tractor sales (def)											SUP				
Gas station See Automotive, Service Station															
Golf courses, driving ranges	SUP										SUP				
Government bldgs. and services	PRT	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	PRT	PRT		PRT	PRT	PRT
Gravel, sandstone or petroleum extraction													SUP		
Group residential		SUP	SUP	SUP	SUP	SUP	SUP	SUP							
Gun club or shooting range													SUP		
Gymnastics School										SUP	PRT	SUP			
Heliport or helistop – See Aviation Facilities															
Home Occupation	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT			SUP			
Hospital	SUP														
Hotel (def)										SUP	SUP				
Institution for care of alcoholic, narcotic or psychiatric patients											SUP				

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Instrument testing										SUP	PRT		PRT		
Janitor service (See Business Services)															
Junkyards and salvage yards													SUP		
Kennels (def), inside or with outside pens or runs in accordance with adopted animal regulatory ordinances, as amended.	SUP										SUP				
Laboratory including science, industrial and medical research											SUP		SUP		
Laboratory (Medical, excluding forensics)											PRT		PRT		
Laundry Services (def) including dry cleaning											SUP		PRT		
Laundry – Pickup only (no on-site dry cleaning)										PRT	PRT				
Laundromat Washeteria/Self Service											PRT				
Leasing or renting of rooms see Boarding, rooming or lodging house															
Live-Work Residence (In a Commercial Building, Owner Occupied and Non-rental in accordance with the Building Codes) (Not a home occupation)									SUP	SUP	SUP	SUP			
Lumber and building materials											PRT				
Lumber mill													SUP		
Manufacturing, Light (def)- including electronic, instrument and assembly											SUP		PRT		
Manufacturing, Heavy, other than Light Manufacturing and/or the use of hazardous or dangerous chemicals													SUP		
Mausoleum – see Cemetery															
Microwave tower (See Towers)															
Mill - planing													SUP		
Mining activities (other)													SUP		
Manufactured Home or Housing (def)					PRT			PRT							
Manufactured home sales of new and used when clearly incidental to operation of park								SUP							
Mobile Home (def)								SE							
Modular Home/Industrialized Housing	PRT	SUP	SUP	SUP	PRT			SUP							
Monument, statue and/or other similar landscape feature	<i>In accordance with Appendix 11.3, Monuments, Statutes and Landscape Features</i>														
Mortuary, see Funeral Services															
Motel (def), Motor Lodge										SUP	PRT				
Motor Freight Terminal											SUP		PRT		
Motor Lodge – See Motel															
Moving Company											SUP		PRT		
Museum									SUP	PRT	PRT	SUP			
Nursing and Convalescent Homes		SUP	SUP	SUP	SUP	SUP	SUP				SUP				
Nursing Facility (skilled)											PRT				
Office, Administrative and Business (def)									PRT	PRT	PRT	PRT	PRT		
Office, General									PRT	PRT	PRT	PRT	PRT		
Office, Government (def)									SUP	PRT	PRT	PRT	SUP		

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Office, Medical -maximum 5 doctors									SUP	SUP	PRT	SUP			
Office, Professional (def) includes architects, engineers, accountants, real estate, etc.									PRT	PRT	PRT	PRT	PRT		
Office with showroom										SUP	PRT		PRT		
Overnight Accommodations														City Reg	City Reg
Parking facilities, Accessory, on site related to main use	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT
Parking lot (Commercial)										SUP	PRT	SUP		SUP	SUP
Parking lot (off-site) (within 600 feet of main uses)									SE	SE	SE	SE	SE	SE	SE
Parks – See Recreation, parks etc.															
Pawn Shop (def)										PRT	PRT				
Personal Service Establishments (def) including barber and beauty shops, shoe repair, dry cleaning pick up, etc.									SUP	PRT	PRT	PRT (no drive thru)			
Photography Studio									PRT	PRT	PRT	PRT			
Pet Sales (def)										SUP	PRT				
Pet Service (def)										SUP	PRT	SUP			
Pet Sales, Temporary (as part of First Monday or in accordance with the Special Event Ordinance)															PRT
Plant- dry cleaning, dyeing and laundry – See Laundry Services															
Plaza - Travel plaza – full service											PRT		SUP		
Post office (See Government Buildings)															
Printing, book binding, lithograph & publishing											SUP		PRT		
Private Club (def) with alcoholic beverages (def) - In accordance with State Statutes									PRT	PRT	PRT	PRT	PRT	PRT	PRT
Radio and television transmission towers (See Towers)															
Recreation, Sports (def) and entertainment (indoor) unless otherwise specified										SUP	PRT	SUP			
Recreation, Sports (def) and entertainment (outdoor) unless otherwise specified											SUP				
Recreation and parks, services, (def) facilities and buildings (publicly owned)	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT
Recreational Vehicle, permanent on-site security															
Recreational vehicle sales, service and storage											SUP				
Recreational Vehicle Park (def) rental spaces (temporary, no more than 10 days in calendar month) All others are only allowed in a Planned Development.														PRT	PRT
Rental – Small tools, Equipment, Party and Event Equipment											PRT		PRT		
Rental, Vehicle – See Automotive or Truck or Equipment															
Repairs, Vehicle – See Automotive Repairs															
Restaurants - see Eating Establishments															

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Retirement housing for elderly including assisted living (def)		SUP	SUP	SUP	SUP	SUP	SUP				SUP				
Rodeo arena – see Arena, Rodeo															
Rooming house – see Boarding, rooming or lodging house															
Sales – antique shops										PRT	PRT	SUP			
Sales – auto – see Automotive Sales, truck – see Truck, Sales															
Sales – commercial retail sales and service										PRT	PRT		PRT		
Sales - retail, used and consignment shop										SUP	PRT	SUP			
Sales – retail (new only) unless otherwise specified										PRT	PRT	SUP			
Sales – retail, light with drive through										SUP	PRT				
Sales – truck tire and service see Truck tire sales and service															
Sand or gravel extraction or storage or other mining activities**													SUP		
School - Public and private offering curricula comparable to that of public schools	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	SUP	PRT				
Semi-public recreational facilities and services – See Recreation, Sports															
Servant's quarters, related to main residential use, not for rent – SEE Accessory Dwelling															
Service (professional) – see Business Service															
Service establishments – see Business Service															
Service establishments (household and family) – See Personal Service															
Sexually-Oriented Business													SUP		
Shooting Range, Indoor											SUP				
Short Term Rental, leasing or subleasing of single-family dwelling units for less than 30 days (def)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP				SUP		SUP	SUP
Special Events in accordance with Special Event Ordinance and no animal sales	<i>Shall comply with City's Special Event Policy</i>														
Special Event in accordance with Special Event Ordinance and with animal sales	<i>Shall comply with City's Special Event Policy</i>														
Sports (indoor) – See Recreation, Sports (indoor)															
Stadium or Arena (public or private)	SUP										SUP		SUP		
Storage Company											SUP				
Storage and sales – accessory to an allowed use in small containers to the public											PRT		PRT		
Storage and sales– bulk petroleum, butane, propane products													SUP		
Storage – food storage lockers, including cold storage warehouses													PRT		
Storage – RV storage facility see Recreation Vehicle sales, service, storage															
Store (antique) see Sales, Antiques															

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2	
Store (appliance)										SUP	PRT					
Store (drug/pharmacy)										PRT	PRT					
Store (food) (def)										SUP	PRT	SUP				
Store (furniture)										SUP	PRT	SUP				
Store (recreation and sports)										SUP	PRT	SUP				
Studio, Television or Radio (no towers)											PRT		PRT			
Testing (instrument)											SUP		PRT			
Theater (movie, indoor)											PRT					
Theater (outdoor, drive-in)											SUP		SUP			
Towers including Broadcasting facilities, radio, television, microwave, PCS or cellular towers or cellular network nodes	<i>SUP and must comply this and other City Ordinances as provided for in Texas state statutes</i>															
Truck and Bus Repair (def)											SUP		PRT			
Truck and Bus Leasing (def)											SUP		PRT			
Truck Sales and Services (Heavy Trucks) (def)											SUP		SUP			
Truck Stop (def)											SUP		SUP			
Truck Terminal (def)											SUP		SUP			
Truck Tire Sales and Service											SUP		SUP			
University, college or parochial school and related facilities (public or private)		SUP	SUP							SUP	SUP		SUP			
Utilities, (public) including water/wastewater lines and other appurtenances but excluding water treatment plants, reservoirs, wastewater plants, sanitary landfills, incinerators, refuse and trash dumps	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	
Utility – (private) franchise distribution systems excluding large, above ground facilities	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	
Utility – All unlisted uses	SUP												SUP			
Utility - Electric; distribution system excluding substations and generating plants	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	PRT	
Utility – Electric substations	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
Utility – Electric generating plant	SUP												SUP			
Vendors - Food														PRT	PRT	
Vendors – temporary retail and commercial (including but not limited to antiques, painting, sculpture, clothing, craftwork and others of similar nature including animal sales															PRT	
Vendors – temporary retail and commercial (including but not limited to antiques, painting, sculpture, clothing, craftwork and others of similar nature, excluding animal vendors														PRT	PRT	
Veterinary Services (def) including hospitals and clinics											SUP		PRT			
Wallboard and plaster, building insulation, and composition flooring operations													PRT			
Wastewater Treatment Plants, Public or Private	SUP	SUP	SUP	SUP	SUP	SUP		SUP					SUP			
Water supply reservoir, pumping plants, and towers	SUP	SUP	SUP	SUP	SUP	SUP		SUP					SUP			

Use	RA	R-1	R-2	R-3	R-4	MF-1	MF-2	MH	RPO	B-1	B-2	GD	GI-1	FMB-1	FMB-2
Water treatment plant (public operated)	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>	<i>SUP</i>		<i>SUP</i>					<i>SUP</i>		
Well drilling agencies											<i>SUP</i>		<i>PRT</i>		
Wholesale establishments and warehouses											<i>SUP</i>		<i>PRT</i>		
Wrecking Yard													<i>SUP</i>		
Zoo (public)											<i>SUP</i>				

SECTION 11.2 - Appendix: Sexually-Oriented Business Ordinance

ORDINANCE NO. 2010 - 01

AN ORDINANCE AMENDING THE 1985 CITY OF CANTON ZONING ORDINANCE BY DISPERSING SEXUALLY-ORIENTED BUSINESSES AND LIMITING THEM TO A SPECIFIED ZONING DISTRICT; PRESCRIBING DEFINITIONS OF SEXUALLY-ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SEXUALLY-ORIENTED BUSINESSES AND EMPLOYEES; AND PROVIDING FOR ADDITIONAL MISCELLANEOUS REGULATIONS FOR SEXUALLY-ORIENTED BUSINESSES; PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, sexually-oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses, as well as the citizens of the City of Canton; and

WHEREAS, the Canton City Council finds that sexually-oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually-transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of sexually-oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually-oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually-oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually-oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Canton City Council desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Canton City Council has determined that locational criteria alone do not adequately protect the health, safety and general welfare of the people of the City of Canton; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually-oriented businesses; and

WHEREAS, it is not the intent of the Canton City Council to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City of Canton;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the legislature of the State of Texas, BE IT ENACTED BY THE CITY COUNCIL OF CANTON, VAN ZANDT COUNTY, TEXAS:

1.1.1 PURPOSE AND FINDINGS

- A. Purpose. It is the purpose of this ordinance to regulate sexually-oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of Canton, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually-oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M., TOA "Kandy/and"*, 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.*, 121 S. Ct. 1223 (2001) and on studies in other communities, including but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group on the Regulation of Sexually-oriented Businesses, (June 6, 1989, State of Minnesota), and the Survey of Texas Appraisers, Secondary Effects of Sexually-Oriented Businesses on Market Values; Crime-Related Secondary Effects, Secondary Effects of "Off-Site" Sexually-Oriented Businesses by the Texas City Attorneys Association (June 2008), the City Council finds:
1. Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
 2. Certain employees of sexually-oriented businesses defined in this ordinance as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
 3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually-oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.
 4. Offering and providing such space encourages such activities, which creates unhealthy conditions.
 5. Persons frequent certain adult theatres, adult arcades, and other sexually-oriented businesses for the purpose of engaging in sex within the premises of such sexually-oriented businesses.
 6. At least 50 communicable diseases may be spread by activities occurring in sexually-oriented businesses, including but not limited to, syphilis, gonorrhea, human

immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non-A, Non-B amebiasis, salmonella infections and shigella infections.

7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States - 600 in 1982, 2200 in 1983, 4600 in 1984, 8555 in 1985 and 253,448 through December 31, 1992.
8. As of December 31, 2006, there have been 70,577 reported cases of AIDS in the State of Texas.
9. Since 1999 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Van Zandt County, Texas.
10. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1981 and 40,920 in 2007.
11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over 355,000 cases being reported in 2007.
12. The Surgeon General of the United States, in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
14. Sanitary conditions in some sexually-oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
15. Numerous studies and reports have determined that semen is found in the areas of sexually-oriented businesses where persons view "adult" oriented films.
16. The findings noted in paragraphs numbered 1 through 15 raise substantial governmental concerns.
17. Sexually-oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
18. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually-oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually-oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City of Canton. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually-oriented business, fully in possession and control of the premises and activities occurring therein.
19. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres.
20. Requiring licensees of sexually-oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain

types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

21. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually-oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
22. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.
23. The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.
24. The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually-transmitted diseases.
25. The general welfare, health, morals and safety of the citizens of the City of Canton will be promoted by the enactment of this ordinance.

1.1.2 DEFINITIONS

- A. **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- B. **Adult Bookstore Adult Novelty Store or Adult Video Store** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 2. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal businesses purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- C. **Adult Cabaret** means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
1. Persons who appear in a state of nudity or semi-nude; or
 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. **Adult Motel** means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- E. **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- F. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- G. **Employee** means a person who performs any service on the premises of a sexually-oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- H. **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. **Escort Agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- J. **Establishment** means and includes any of the following:
1. the operating or commencement of any sexually-oriented business as a new business;
 2. the conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;

3. the additions of any sexually-oriented business to any other existing sexually-oriented business; or
 4. the relocation of any sexually-oriented business.
- K. **Licensee** means a person in whose name a license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually-oriented business.
- L. **Nude Model Studio** means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Texas or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:
1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 2. where in order to participate in a class a student must enroll at least three days in advance of the class; and
 3. where no more than one nude or semi-nude model is on the premises at any one time.
- M. **Nudity** or a **State Of Nudity** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- N. **Person** means an individual, proprietorship, partnership, corporation, association or other legal entity.
- O. **Semi-Nude** or in a **Semi-Nude Condition** means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- P. **Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- Q. **Sexually-Oriented Business** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- R. **Specified Anatomical Areas** means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

S. Specified Criminal Activity means any of the following offenses:

1. prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or other similar offenses to those described above under the criminal or penal code of other states or countries;
 - a. for which: less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

T. Specified Sexual Activities means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

U. Substantial Enlargement of a sexually-oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

V. Transfer of Ownership or Control of a sexually-oriented business means and includes any of the following:

1. the sale, lease or sublease of the business;
2. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

3. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

1.1.3 CLASSIFICATION

Sexually-oriented businesses are classified as follows:

- A. Adult arcades;
- B. Adult bookstores, adult novelty stores, or adult video stores;
- C. Adult cabarets;
- D. Adult motels;
- E. Adult motion picture theaters;
- F. Adult theaters;
- G. Escort agencies;
- H. Nude model studios; and
- I. Sexual encounter centers.

1.1.4 LICENSE REQUIRED

- A. It is unlawful:
 1. for any person to operate a sexually-oriented business without a valid sexually-oriented business license issued by the City of Canton pursuant to this ordinance;
 2. for any person to obtain employment with a sexually-oriented business without having secured a sexually-oriented business employee license pursuant to this ordinance;
 3. for any person who operates a sexually-oriented business to employ a person to work for the sexually-oriented business who is not licensed as a sexually-oriented business employee by the City pursuant to this ordinance.
- B. An application for a license must be made on a form provided by the City of Canton.
- C. All applicants must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide such information (including fingerprints) as to enable the City to determine whether the applicant meets the qualifications established in this ordinance.
- D. A person who wishes to operate a sexually-oriented business must sign the application for a license as an applicant. If a person other than an individual wishes to operate a sexually-oriented business, all persons legally responsible for the operations of the sexually-oriented business or who have power to control or direct its operations must sign the application for a license as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
- E. The completed application for a sexually-oriented business license shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:
 - a. An individual - the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age;
 - b. A partnership - the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.
 - c. A corporation - the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
2. If the applicant intends to operate the sexually-oriented business under a name other than that of the applicant, he or she must state (a) the sexually-oriented business' fictitious name; and (b) submit the required registration documents.
3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
4. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually-oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of a sexually- oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
5. Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually-oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.
6. The single classification of license for which the applicant is filing.
7. The location of the proposed sexually-oriented business, including a legal description of the property, street address, and telephone number(s), if any.
8. The applicant's mailing address and residential address.
9. A recent photograph of the applicant(s).
10. The applicant's driver's license number.
11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with

marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

12. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered professional land surveyor depicting the property lines and the structures containing any existing sexually-oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 13. If an applicant wishes to operate a sexually-oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 19-4.
- F. Before any applicant may be issued a sexually-oriented business employee license, the applicant shall submit on a form to be provided by the City of Canton the following information:
1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;
 2. Age, date, and place of birth;
 3. Height, weight, hair and eye color;
 4. Present residence address and telephone number;
 5. Present business address and telephone number;
 6. Date, issuing state and number of driver's permit or other identification card information; and
 7. Proof that the individual is at least eighteen (18) years of age.
- G. Attached to the application form for a sexually-oriented business employee license as provided above, shall be the following:
1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
 2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state or country; has ever had a license, permit or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
 3. A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

1.1.5 ISSUANCE OF LICENSE

- A. Upon the filing of said application for a sexually-oriented business employee license, the city shall issue a temporary license to said applicant. The application shall then be referred to the appropriate city departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the City shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
1. The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
 2. The applicant is under the age of eighteen (18) years;
 3. The applicant has been convicted of a "specified criminal activity" as defined in this ordinance;
 4. The sexually-oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or
 5. The applicant has had a sexually-oriented business employee license revoked by the City within two (2) years of the date of the current application.
 6. If the sexually-oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section 11.2.10.
- B. A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the City that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 11.2.6.
- C. Within thirty (30) days after receipt of a completed sexually-oriented business application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
1. An applicant is under eighteen (18) years of age.
 2. An applicant or a person with whom applicant is residing is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 4. An applicant or a person with whom the applicant is residing has been denied a license by the City to operate a sexually-oriented business within the preceding twelve (12)

months or whose license to operate a sexually-oriented business has been revoked within the preceding twelve (12) months.

5. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this ordinance.
 6. The premises to be used for the sexually-oriented business have not been approved by the health department, fire department and the building official as following applicable laws and ordinances.
 7. The license fee required by this ordinance has not been paid.
 8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
- D. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually-oriented business and the classification for which the license is issued pursuant to Section 19-3. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that they may be easily read at any time.
- E. The health department, fire department and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the City.
- F. A sexually-oriented business license shall issue for only one classification as found in Section 19-3.

1.1.6 FEES

- A. Every application for a sexually-oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a \$500.00 non-refundable application and investigation fee.
- B. In addition to the application and investigation fee required above, every sexually-oriented business that is granted a license (new or renewal) shall pay to the City an annual non-refundable license fee of \$500.00 within thirty (30) days of license issuance or renewal.
- C. Every application for a sexually-oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual \$500.00 non-refundable application, investigation and license fee.
- D. All license applications and fees shall be submitted to the Chief of Police of the City.

1.1.7 INSPECTION

- A. An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department or other City departments or agencies to inspect the premises of a sexually-oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- B. A person who operates a sexually-oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

1.1.8 EXPIRATION OF LICENSE

- A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section IV. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.
- B. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

1.1.9 SUSPENSION OF LICENSE

The City shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

- A. Violated or is not in compliance with any section of this ordinance;
- B. Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter.

1.1.10 REVOCATION OF LICENSE

- A. The City shall revoke a license if a cause of suspension in Section 11.2.9 occurs and the license has been suspended within the preceding twelve (12) months.
 - B. The City shall revoke a license if it determines that:
 - 1. a licensee gave false or misleading information in the material submitted during the application process;
 - 2. a licensee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - 3. a licensee has knowingly allowed prostitution on the premises;
 - 4. a licensee knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended.
 - 5. except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises; or
 - 6. a licensee is delinquent in payment to the City, county or State for any taxes or fees past due.
- 6 When the City revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually-oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.
- 7 After denial of an application, or denial of a renewal or an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

1.1.11 **TRANSFER OF LICENSE**

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually-oriented business under the authority of a license at any place other than the address designated in the application.

1.1.12 **.....LOCATION OF SEXUALLY ORIENTED BUSINESSES.....**

- A. A person commits a misdemeanor if that person operates or causes to be operated a sexually-oriented business in any zoning district other than GI-1 (General Industrial District), as defined and described in the City of Canton's zoning code.
- B. A person commits an offense if the person operates or causes to be operated a sexually-oriented business within 1,000 feet of:
 - 1. a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - 2. a public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and university; school includes the school grounds but does not include facilities used primarily for another purpose and only incidentally as a school;
 - 3. a boundary of a residential district as defined in the City of Canton's zoning code;
 - 4. a public park or recreational area which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation or management of the city park and recreation authorities.
 - 5. the property line of a lot devoted to a residential use as defined in the City of Canton's zoning code;
 - 6. an entertainment business which is oriented primarily towards children or family entertainment; or
 - 7. a licensed premise, licensed pursuant to the alcoholic beverage control regulations of the State.
- C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually-oriented business within 1,000 feet of another sexually-oriented business.
- D. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually-oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually-oriented business in any building, structure, or portion thereof containing another sexually-oriented business.
- E. For the purposes of subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually-oriented business

is conducted, to the nearest property line of the premises of a use listed in subsection B. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

- F. For purposes of subsection C of this section, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- G. Any sexually-oriented business lawfully operating on the effective date of this ordinance that is in violation of subsection A through F of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually-oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.
- H. A sexually-oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually-oriented business license, of a use listed in subsection B of this section within 1,000 feet of the sexually-oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or been revoked.

1.1.13 ADDITIONAL REGULATIONS FOR ADULT MOTELS

- A. Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.
- B. A person commits a misdemeanor **if**, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually-oriented license, he rents or sub- rents a sleeping room to a person and, within ten (10) hours from the time the room is rented he rents or sub-rents the same sleeping room again.
- C. For purposes of subsection (B) of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

1.1.14 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS

- A. A person who operates or causes to be operated a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - 1. Upon application for a sexually-oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if

granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
4. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
5. It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display rack or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this section.
6. No viewing room may be occupied by more than one person at any time.
7. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than live (5) foot-candles as measured at the floor level.
8. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
9. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
10. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
11. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
12. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
13. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable

material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48") inches of the floor.

- B. A person having a duty under subsection (1) through (14) of subsection A above commits a misdemeanor if he knowingly fails to fulfill that duty.

1.1.15 ADDITIONAL REGULATIONS FOR ESCORT AGENCIES

- A. An escort agency shall not employ any person under the age of 18 years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

1.1.16 ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS

- A. A nude model studio shall not employ any person under the age of 18 years.
- B. A person under the age of 18 years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.
- C. A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

1.1.17 ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY

- A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually-oriented business, appears in a state of nudity or depicts specified sexual activities.
- B. It shall be a misdemeanor for a person who knowingly or intentionally in a sexually-oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.
- C. It shall be a misdemeanor for an employee, while semi-nude in a sexually-oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually-oriented business.
- D. It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer.

1.1.18 PROHIBITION AGAINST CHILDREN IN A SEXUALLY-ORIENTED BUSINESS

A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually-oriented business.

1.1.19 HOURS OF OPERATION

No sexually-oriented business, except for an adult motel, may remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. on weekdays and Saturdays, and midnight Saturday to 12 noon on Sundays.

1.1.20 EXEMPTIONS

- A. It is a defense to prosecution under Section 19-17 that a person appearing in a state of nudity did so in a modeling class operated:
 - 1. By a proprietary school, licensed by the State of Texas; a college, junior college or university supported entirely or partly by taxation;
 - 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
 - 3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

1.1.21 INJUNCTION

A person who operates or causes to be operated a sexually-oriented business without a valid license or in violation of Section 11.2.12 of this Ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of not to exceed five hundred (\$500.00) dollars. Each day a sexually-oriented business so operates is a separate offense or violation.

1.1.22 SIGNS AND OUTDOOR LIGHTING

Sexually-oriented businesses shall meet the following for signage and lighting:

- A. Signage shall be limited to wall signs only.
- B. One wall sign is allowed per each building side visible from a public roadway. The maximum area allowed for wall signs is as follows:

Building Frontage	Surface
1-50 Linear Feet	40 Square Foot Sign Per Side
51-100 Linear Feet	50 Square Foot Sign Per Side
101-150 Linear Feet	55 Square Foot Sign Per Side
Over 150 Linear Feet	60 Square Foot Sign Per Side

- C. Wall signs may not extend above the roof line of the establishment.
- D. Content of the signs shall not include any offensive or obscene language.
- E. Signs may not display any anatomical figures or body parts.
- F. Signs may not be illuminated with neon, argon, Krypton, Xenon or any gas filled tubes except for standard mercury vapor type fluorescent lighting tubes.
- G. Signs may not contain any colored or "glow in the dark" fluorescent lighting or paint.
- H. Signs may not contain the letters "X" in any number or form unless it is the name of the business.

- I. Signs may not describe sexual activities.
- J. Signs may not contain photographic reproductions or any moving or motion picture.
- K. No signage inside the establishment shall be allowed to be visible from the exterior of the business.
- L. Signs may contain the name of the business, address and type of business (ie. "Adult Cabaret" or "Adult Motel")
- M. Signs must have "opaque" backgrounds and be illuminated internally or with shielded light sources to be energy efficient.
- N. White background or yellow background signs which produce light pollution shall be discouraged.
- O. Signage must be pre-approved by the City of Canton Building Inspector prior to issuance of a permit.
- P. Exterior Lighting Requirements for sexually-oriented businesses:
 - 1. Exteriors of all buildings must be illuminated up to thirty (30) foot candles per side.
 - 2. Lighting must conform to the Illuminating Engineering Society of North America requirements.
 - 3. Canopy lights are recommended, and all lighting must illuminate downward to create safety and security.
 - 4. Parking areas must be lighted in conformance with the Illuminating Engineering Society of North America requirements, the International Dark-Sky Association recommendations and the following:
 - a. The illumination level in all parking areas must not be greater than six (6) foot candles in the horizontal plane and must not exceed 0.5 vertical foot candles.
 - b. All points across the interior of the parking lot must have an illumination level greater than three (3) foot candles.
 - c. Illumination should not exceed 0.50 horizontal foot candles beyond the property line.
 - d. Illumination should be uniform since high wattage lights can actually lead to dark pockets and a less secure area.
 - e. Parking lot lights shall be no higher than thirty-three (33) feet above the finished grade or surface. This shall include the total height of the luminaire, pole, and any base or supporting structure.
 - f. Lighting fixtures should be set to eliminate glare onto public rights-of-way should minimize or eliminate light directed upward.
 - g. The maximum wattage allowed for parking lot lights shall not exceed 400 watts without specific approval from the City of Canton Building Inspector.

1.1.23 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.

1.1.24 SEVERABILITY

If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

1.1.25 CONFLICTING ORDINANCES REPEALED

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

1.1.26 EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this 16th day of February, 2010.

APPROVED:

WILLIAM R. WILSON, Mayor, City of Canton

SECTION 11.3 - Appendix: Monument, Statues and Landscape Feature Ordinance

ORDINANCE NO. 2010-25

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, PROVIDING FOR AND REGULATING THE CONSTRUCTION AND USE OF MONUMENTS, STATUES AND OTHER SIMILAR LANDSCAPE FEATURES WITHIN THE CITY LIMITS BY RIGHT AND BY SPECIFIC USE PERMIT; 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 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 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 the 1985 Zoning Ordinance should be amended:

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

SECTION 1 . That the following language shall be added to Section 15:

Section 15-13B

MONUMENTS, STATUES AND OTHER SIMILAR LANDSCAPE FEATURES

In B-1, B-2, RPO, GI-I, RA and FMB zoning districts, plus in a park, church or school located in a residentially-zoned district, a monument, statue and/or other similar landscape feature may be erected, placed or maintained behind the required setbacks for the individual zoning district, provided it does not exceed the maximum height limits for a principal structure and complies with all other requirements for each zoning district.

For a monument, statue and/or other similar landscape feature which would exceed the maximum height limit for a principal structure and would not comply with the requirements for that zoning district, a specific use permit may be requested.

1. Definitions:

- a. Monument shall be defined as a structure built for commemorative or symbolic reasons, or as a memorial;
- b. Statue shall be defined as a three-dimensional work of art, usually of a person or animal, usually created by sculpting, carving, molding or casting.
- c. Temporary lighting shall be defined as lighting for a special occasion that shall be allowed for a period not to exceed ninety days.

2. Setbacks:

- a. All monuments, statues and/or other similar landscape features, guide anchors, and accessory equipment must be located within the buildable area of the lot:

guide anchors	ten (10) feet from property line
buildings and accessory equipment	twenty-five (25) feet from front property line; eight (8) feet from side property line; and ten (10) feet from rear property line

- b. All monuments, statues and/or other similar landscape features must be wholly-contained within the owner's property so that, if it fell, it would not fall onto an adjoining property.

3. Aesthetics – Monuments and statues, as well as the screening materials around equipment buildings, etc. shall be kept and maintained and shall be free of overgrowth of weed and grass, etc.

4. Content: The City of Canton does not regulate the content of monuments and statues; however, no sign monument, statue or similar landscape feature shall be allowed which contains slanderous, obscene language, pictures or messages, or inflammatory language or images.

5. Lighting and Structural Integrity

- a. All monuments, statues and/or other similar landscape features built must comply with the lighting restrictions of the FAA, conform to ASCE-7 and to all applicable building requirements, and be designed by a registered professional engineer.

- b. Monuments, statues and/or other similar landscape features may be floodlighted when the following conditions are met:

- (i) Floodlight luminaries are equipped with shields and are located so as to limit the luminaries' illumination to the object being lit;
- (ii) The configuration of the floodlight installation shall block all view of the luminaries' light source (lamp) for adjacent properties;

(iii) The maximum luminance of any floodlighted surfaces does not exceed the footcandles recommended in the Illuminating Engineering Society of North America Light Handbook for floodlighting surfaces;

(iv) Temporary lighting that conforms to the requirements of this chapter shall be allowed.

6. Other Regulations:

a. All commercial signs, flags, lights, and attachments other than those required for structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) shall be prohibited on any monument, statue or other similar landscape structure.

b. All publicly-owned monuments, statues and/or other similar landscape features shall be permitted in any district if they comply with the requirements for principal structures in that zoning.

c. Any monument, statue or other similar landscape sculpture which could reasonably expect to have tourists or onlookers, or which is located in an area which could be used as a gathering place, must comply with the parking standards as defined in this city's zoning ordinance (Section 16-11).

7. Building Permit

a. A building permit is required for any monument, statue or similar landscape feature. All construction work is subject to City code enforcement.

8. Specific Use Permit

a. A specific use permit may be granted to erect or install a monument, statue and/or other similar landscape structure which would exceed the maximum height requirement for a principal structure in that particular zoning district in the following zoned areas: RA, B-1, B-2, RPO, FMB, Gi-1. A specific use permit may be granted to erect or install a monument, statue and/or other similar landscape structure in at park, school or church in any residentially-zoned area.

b. All specific use permits issued for monuments, statues and/or other similar landscape features shall be conditioned that the permittee or his assigns be in compliance with the Comprehensive Zoning Ordinance, Ordinance No. 85-10, as amended, and all other applicable City ordinances. The City may also provide other conditions and restrictions which the City Council determines, at the time of granting the specific use permit, are necessary to protect and provide for the health, safety and general welfare of the community. After a hearing and an opportunity for the permittee or his assigns to be heard, the City Council may cancel, revoke or suspend a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of the granting of the permit are not met or thereafter cease to exist.

c. Application Requirements:

(1) Site and landscape plans to scale.

- (2) A report including a description of the monument, statue and/or other similar landscape feature with technical reasons for its design.
- (3) Engineering plans showing the structural integrity of the monument, statue and/or other similar landscape feature.
- (4) Proof of ownership of the proposed site or authorization to utilize it.
- (5) Compliance with City Ordinance No. 99-02 (Canton Hackney Airport Hazard Zoning).
- (6) Compliance with all other regulations for the zoning district in which the monument, statue and/or other similar landscape feature is to be erected.
- (7) All monuments, statues and/or other similar landscape features shall comply with the pertinent requirements of the building codes of the City.
- (8) All monuments, statues and/or other similar landscape features shall have a minimum clearance of eight feet vertically and eight feet horizontally from any transmission line carrying 50 volts or greater.
- (9) Copies of any easements, if necessary.

SECTION 2. That Section 15-15 SPECIFIC USE PERMITS be amended to include:

Section 1.3 Specific Uses by Zoning District

Agricultural District (RA)	25. Monument, statue and/or other similar landscape feature
Single Family Detached Residential (R-1), (R-2), (R-3) Multiple Family Residential (MF-1) Mobile Home Park District (MH-1) Manufactured Housing District (R-4)	23. Monument, statue and/or other similar landscape feature in a public park, school or church only
Local Business District (B-1)	35. Monument, statue and/or other similar landscape feature
General Business District (B-2)	27. Monument, statue and/or other similar landscape feature
<hr/>	
Restricted Professional and Office (RPO)	23. Monument, statue and/or other similar landscape feature
General Industrial District (GI-1)	23. Monument, statue and/or other similar landscape feature

**First Monday Business (FMB-1),
(FMB-2)**

2. Monument, statue and/or other similar landscape
feature

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 CONFLICT ORDINANCES

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

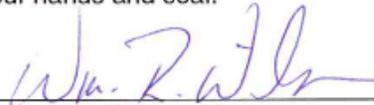
SECTION 5. SEVERABILITY CLAUSE

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.

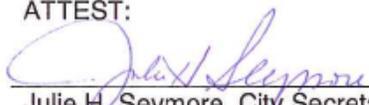
SECTION 6. EFFECTIVE DATE

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 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

SECTION 11.4 - Appendix: 1521 Trade Days Planned Development

ORDINANCE NO. 2019-9

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM GENERAL BUSINESS DISTRICT (B-2) TO PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 4.15 ACRE TRACT OF LAND LOCATED AT 1521 N. TRADE DAYS BLVD. IN CANTON, TEXAS, OWNED BY STARSHIP TEXAS CITY, L.P. AND STARSHIP PASADENA, L.P. 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 THOUSAND DOLLARS (\$2,000.00) 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;

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 properties owned by Starship Texas City, L.P. and Starship Pasadena, L.P., located at 1521 N. Trade Days Blvd. in Canton, Texas, from General Business District (B-2) to Planned Development (PD) zoning classification.

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. that the properties be developed in accordance with the City of Canton Zoning Ordinance; and
- b. that all other regulations of the Planned Development District shall apply as set forth in Exhibit "A" attached hereto.

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

Ordinance 2019-9

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 Thousand and No/100 (\$2,000.00) 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 provides.

DULY PASSED by the City Council of the City of Canton, Texas, on the 21st day of May, 2019.

APPROVED:


Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary



EXHIBIT “A”

Description: Approximately 4.15 acres of land generally west and adjacent to State Highway 19/North Trade Days Blvd. and south of Interstate I-20, and more particularly described as follows:

Being 4.15 acres, more or less, in the Q.C. Nugent Survey, Abstract No. 618, and being Lot Three (3) of STARSHIP ADDITION to the City of Canton, Texas as shown by plat recorded in Glide 285A, Plat Records of Van Zandt County, Texas, as revised by plat on Glide 288A, Plat Records of Van Zandt county, Texas

The street address of the site is 1521 North Trade Days Blvd., Canton, TX 75103.

Purpose and Intent: The purpose of this Planned Development Zoning District is to provide a quality development in an orderly fashion. Canton RV Resort (hereafter referred to as CRV) is a destination resort for RV and Park Model recreational users, for those who want to take advantage of the local attractions in Canton, for those who are seeking a get-away in a serene and pleasing setting and who want to be nearby the Canton Trade Days shopping areas, and for Trade Days’ business owners who are merchants and vendors of Canton Trade Days who have a need for more stable and nearby living quarters close to their Trade Days’ business location.

Procedure: The standards contained herein set forth the conceptual requirements for the development of the district. The developer had prepared a detailed site survey and plan and final plat conforming to the criteria established herein. Such plat is attached hereto as Exhibit “A” and shall be considered the zoning map for the development.

GENERAL CONDITIONS

Conformance to all applicable articles of the Canton Ordinances, Rules and Regulations.

Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance as they present exist as of the approval date of this ordinance.

DEVELOPMENT CONDITIONS

1. The Development Plan

The long-term plan for CRV will provide quality and convenient RV facilities and accommodations for resort recreational vehicle users for use by the public, including tourists, shoppers, Trade Days’ merchants and vendors and other RV visitors of Canton who may be staying in Canton for business, family or personal reasons. It will be an RV resort with 100 RV vehicle pad sites, with a support Guest Service Center that has a bathhouse that includes 14 showers, 14 toilets, and laundry facilities and with a

landscaped area surrounding the facility located near the center of the Resort that serves as a central control access point. The Planned Development is intended to compliment the special tourism attractions of Canton, including Canton Trade Days, the small town character and charm of Canton, local businesses and surrounding attractions. The Planned Development will be served by public utilities and private internal driveways. The land uses within this Planned Development are also intended to meet a portion of the community's transient, RV tourism demand. The Planned Development is primarily intended to create a high quality, "RV" Recreational Vehicle resort, for tourists travelling to and through the area and to serve business owners of Canton who are vendors of the Canton Trade Days, in addition to possibly associated retail development along Trade Days Blvd. The resort will provide the necessary amenities and the basic elements of a balanced and attractive neighborhood. Internal stability, attractiveness, order, efficiency, security and the maintenance of property values are encouraged by the provision of adequate light, air and open spaces for all resort sites and related facilities and through consideration of the proper functional relationships of those various elements.

2. Development Concepts

A. Recreational Vehicle Resort. The resort is and will be developed to the most modern standards to meet the needs of transient RV users. It will be equipped with full electrical (20 amp, 30 amp and 50 amp), water, sewer and cable TV. There will be ample parking, camping services, trash containers and a Guest Service Center that currently includes a bathhouse and laundry facilities surrounded by a landscaped area to accommodate all guests in the Resort. Each site will be a level paved pad.

B. Guest Service Center. This building will serve as the main building serving as the central bathhouse and laundry facility and a surrounding landscaped area. An office could be added or one RV space may be dedicated and used for an office site.

C. Development Standards

- (1) Density: maximum 100 RV Resort "spaces".
- (2) Area regulations – typical RV spaces.
- (3) Space size: A minimum site of 600 square feet in area shall be required.
- (4) Space width: each space shall have a minimum width of twelve feet at the front street line.
- (5) Space depth: each space shall have a minimum depth of fifty feet.
- (6) Pad Identification: All pad spaces shall be marked with painted stripes.

- (7) Pad Size and Parking: Each space shall provide a minimum 12 to 15 feet wide by 50 to 55 feet deep, RV paved parking pad, which will include the RV parking space. Ample parking and overflow parking areas will be provided and maintained.
- (8) Each lot will provide individual RV utility connections to water, sanitary sewer, electricity and cable.
- (9) Private rights-of-way, design and paving specifications shall conform to city standards. No public rights-of-way shall be dedicated within the Resort and all driveways and roads shall be privately constructed and maintained by the Resort.
- (10) Driveways and interior roads
 - a. Access. Access to the resort shall be designed to minimize congestion and hazards at the entrance and exit to allow for free movement of traffic on adjacent streets.
 - b. General requirements. The resort shall provide safe and convenient vehicular access from abutting public streets or roads to the Resort and all internal roads, parking areas and RV sites. All streets, driveways, and RV Pad sites shall be paved. All roadways, sidewalks and common areas shall be maintained in good and working condition, including the prompt repair of any broken paving, utility connections, lighting and landscaping.
 - c. Interior Paving Widths. Interior driveways and roadways planned for two-way traffic should be 24 feet wide. One-way roads should be 12 feet wide.
 - d. Illumination. The Resort will be furnished with pad site lighting units which direct the light downward and within the resort, and with additional lighting throughout the Resort.
- (11) Parking areas. The Resort shall have designated parking areas with ample overflow parking areas adequate to serve the Resort guests.
- (12) Manager's Quarters and Office. One RV space may be permitted for the occupancy of the Owner, Operator and/or Resident Manager(s) of the RV Resort, serving as a business office and the manager's quarters.
- (13) Pad Site Layout

- a. Pull-through and back-in parking sites shall have full hookups and shall be not less than ten feet wide and fifty feet long, constructed of concrete, asphalt or similar paving materials.
- b. Any small RV with plumbing facilities will be required to have hookups.
- c. Each site shall be supplied with an enclosed utility stand for all utility services. Spaces shall not be individually metered for utilities.
- d. Each site shall be level, with a maximum of one-inch variation for every five feet, side-to-side and end-to-end.

(14) Water and Wastewater Systems

- a. Adequately-sized circulating looped water lines are installed and connected to the City service lines, at the Owner's expense, for domestic use and fire protection as per applicable building code requirements.
- b. Adequately-sized sanitary sewer lines to dispose of sanitary wastes are installed and connected to the City sanitary sewer system at the Owner's expense.
- c. No RV shall be permanently affixed or "hard-plumbed" to the City sewer or water system.

(15) Drainage Systems. An adequate drainage system exists and all water on the site drains to the City's drainage system.

(16) Refuse Handling. The method of storage, collection and disposal of refuse in the RV Resort is through an on-site dumpster.

(17) Landscaping. The entire site is paved, except for the landscaping around the Guest Service Center, which is to be maintained by the Owner.

D. Resort Requirement. Additional Resort requirements shall include:

- (1) Access via the main entrance of the Resort.
- (2) All RV spaces will be rented by the day or week (seven days). Extended stay rental may be up to 28 consecutive days total (4 weeks). Long-term rentals of more than 28 consecutive days shall require approval by the on-site Manager, and may be granted for legitimate business or family reasons, such as, for vendors of the Canton Trade Days who desire to maintain and have an RV at

the RV Resort on a longer-term basis as part of the operation of their nearby business as a vendor at Canton Trade Days.

RV sites may be leased by the Resort to RV tenants to park and connect their RV's for variable terms not to exceed one hundred and eight (180) days. At the end of that 180 days, the tenant must vacate the premises for a minimum of fourteen consecutive days before entering into a new RV site.

- (3) Washing and mechanical maintenance of RV's is prohibited within the Resort.
- (4) US Mail service shall not be provided to RV customers.
- (5) The Resort will have an on-site or off-site management available for check-in/check-out services, day-to-day operations, custodial and emergency maintenance response and other guest services.
- (6) The Resort shall require that all RV's be not older than ten years unless otherwise approved by the Manager.
- (7) All RV paved pads shall be maintained in good and working condition, including the prompt repair of any broken paving, utility connections, lighting and landscaping.

E. Emergency and Safety Plan

Visitor and employee safety will always be of highest priority of the Resort. The Owner will work with the City and County officials to develop emergency preparedness, evacuation and safety plans.

SECTION 11.5 - Appendix: Silver Spur Planned Development

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE 2020-2, THE CITY OF CANTON ZONING ORDINANCE, BY AMENDING THE PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 34.37-ACRE TRACT OF LAND LOCATED AT 13785 STATE HIGHWAY 19, CANTON, TEXAS, OWNED BY SILVER SPUR RESORT LP, 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 THOUSAND DOLLARS (\$2,000.00) 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;

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 amending Ordinance No. 2019-01 on the property owned by Silver Spur Resort LP, located on the east side of Highway 19, north of Interstate 20, at 13785 State Highway 19 in Canton, Texas

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. all other regulations of the "Planned Development District" as set out in Exhibit "A" attached hereto shall apply, and development shall be consistent with the Exhibit "B" Preliminary Site Plan attached hereto

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 Thousand and No/100 (\$2,000.00) 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 provides.

DULY PASSED by the City Council of the City of Canton, Texas, on the 18th day of August, 2020.



APPROVED:

Lou Ann Everett
Lou Ann Everett, Mayor

ATTEST:

Debra Johnson
Debra Johnson, City Secretary

EXHIBIT “A”

**Silver Spur Development
Planned Development District
Development Standards**

City of Canton, Texas

PLANNED DEVELOPMENT (P.D.)

Description: All of that territory consisting of 34.37 acres situated in the Q.C. Nugent Survey, A-618, located on the east side of Highway 19, and north of Interstate 20 at 13785 State Highway 19. The boundaries of the Planned Development District are defined in the Metes and Bounds description attached herein as Exhibit “1.”

Purpose and Intent: The purpose of this Planned Development Zoning District is to provide a quality development in an orderly fashion.

Procedure: The standards contained herein set forth the conceptual requirements for the development of the district. Following approval of this ordinance, the developer shall prepare, in a phased manner where applicable, a detailed site plan for the area to be developed and conforming to the criteria established herein.

GENERAL CONDITIONS

Conformance to All Applicable Articles of the Canton Ordinances, Rules and Regulations: Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance, as the presently exist as the approval date this ordinance. The Site Plan adopted concurrently with these Development Standards is incorporated herein by reference and shows the location and approximate dimensions of the structures and uses described herein.

DEVELOPMENT CONDITIONS

I. Permitted Uses:

A. Lodging

1. Bed and Breakfast which consists of an existing 2,800 square foot structure containing five bedrooms and four baths.
2. Permanent Site-Built Cabins for short-term rental to Resort guests of variable duration with maximum permitted stay of thirty (30) days. The quantity, locations and sizes of cabins are indicated on the Site Plan.
 - a. Cabins shall be constructed using a combination of rustic cedar and log siding, and masonry siding manufactured by James Hardie (or City-approved equivalent material)

- b. An exemption to the restriction governing length of stay will be granted for one (1) full-time living quarters for the Resort caretaker and any immediate family members to provide an onsite representative for emergency situations.
3. Tiny Houses (as defined below) for short-term rental to Resort guests with maximum permitted stay of thirty (30) days. Initial phases specify two (2) Tiny Houses constructed alongside permanent cabins with plans for up to eight (8) additional Tiny Houses set on existing RV spaces in the future. All Tiny Houses shall be built to the standards set out in the 2018 IRC, Appendix Q, or any amendments or updates thereto.
- a. "Tiny House" is defined as a dwelling which is less than 400 square feet of living area excluding lot areas. Tiny houses are built on a trailer capable of being transported without permit and shall be set in a non-permanent manner like RVs.
4. Treehouses shall be constructed in a "Treehouse Village" area located within the existing treed area at the south end of the property. The treehouses are designated as short-term rental inventory designed to provide a unique lodging option for resort guests.
- a. Treehouses will not be supported by living trees and will be designed as elevated cabins within a tree canopy.
 - (1) Notwithstanding the above, treehouse decks may be designed to encompass trees to create inviting deck areas
 - (2) Living trees may be used to support intermediary platforms for rope bridges between treehouses and to provide access to the treehouses
 - b. Treehouses will be constructed on engineered foundations and elevated structures with a floor level of approximately twelve (12) feet above ground level.
 - c. Treehouses will comply with all applicable building codes adopted by the City of Canton and shall be inspected by the city as construction progresses.
 - d. Treehouses shall be designed with rustic themes and will utilize stained timber structures, stained wood siding, and painted steel components where timber is not feasible.
 - e. Treehouses will have interior restrooms with the exception of sleeping "pods" which will be connect4ed to main treehouses.

- (1) Sleeping pods will be designed for family camping so children ages 8 and above can sleep in an area attached to adult area in main cabin.
- B. Reception and Entertainment Venue Building which consists of the existing rustic barn identified on the site plan.
- C. 25x50 open pavilion
- C. Reception and meeting venue of approximately 3,500 square feet in size
 1. Building for flexible use and will include restrooms, supply storage for resort activities, and small, non-commercial kitchen
 2. Exterior design to be old Western façade and shall incorporate a three (3) foot stone wainscot with rustic siding to match existing buildings
 3. Parking lot will be constructed of 2-inch AC paving over six inches of compacted road base and shall be striped and marked as required for parking control, disabled access, and fire lanes
 4. Parking lot lights will be installed to illuminate parking areas. Specifications of lights shall meet or exceed those of the existing lighting.
- D. Western-themed music/dining/sports bar of approximately 1,650 square feet in size
 1. Venue shall comply with all local, state and federal rules, including but not limited to those of Texas Alcohol & Beverage Commission or its successors
 2. Parking lot will be constructed of 2-inch AC paving over six inches of compacted road base and shall be striped and marked as required for parking control, disabled access, and fire lanes
 3. Parking lot lights will be installed to illuminate parking areas. Specifications of lights shall meet or exceed those of the lighting existing lighting.
- E. Entertainment-Only buildings

“Entertainment-Only Buildings” are defined as buildings which house legal activities for guests including but not limited to: crafts, exercise, spa services, group participation activities, team building challenges,

 1. Spa/Activity Building which will be utilized for exercise equipment, games and other activities to support guests of RV park and Lodging.
 2. An Escape Room entertainment building open to Resort Guests and general public. An Escape Room is a themed concept where guests have one hour to

solve puzzles and find clues in order to affect escape from the themed rooms. Rooms shall have an unlocked, lighted, and identified exit available at all times for guest safety.

- F. Competitions and Sporting Events - Activities designed for recreation and competition open to guests and local community.
- G. Restaurants and Food Service
 - 1. A conventional restaurant (including patio dining), of up to 5,400 square feet in size.
 - 2. A smokehouse for smoking of meats for consumption in the on-site restaurant.
 - 3. Food exhibitions and classes.
 - 4. Themed Food Service events such as BBQ competitions and chili cookoffs.
 - 5. Catering for onsite events and activities and outside sales.
 - 6. Room service and other delivered prepared food options.
- H. Camping and Recreational Uses
 - 1. Operation of Campground for Recreation
 - a. "Recreational Vehicle" is defined as a vehicle, with or without motive power, built on a permanent chassis, transportable by highway, and designed to be temporary living quarters for recreational, camping, travel, or seasonal use.
 - b. Condition of RVs. All RVs connected to utilities on the Premises must be in good condition for highway transportation and as temporary living quarters and constructed in compliance with state and federal law. At no time may structures be built around an RV so it resembles a permanent residence. RVs connected on the Premises must be transportable immediately upon disconnection from utilities. No permanent sewer or water connections made of hard pipe may be used to connect RVs to utilities on Premises.
 - c. Site Lease Terms – RV sites may be leased by Resort to RV Tenants to park and connect their RVs for variable terms not to exceed one hundred eighty (180) days. At the end of the lease term, a RV Tenant must vacate the Premises.

- d. Period of Absence from Premises after Lease Term – All RV Tenants must remove their RV from the Premises for fourteen (14) consecutive days before entering into a new RV site lease.
 - e. Employee and Camp Host Sites – Resort shall offer up to two sites for camp hosts for a variable term up to one hundred eighty (180) days as compensation for the labor of those camp hosts. In addition, Resort shall maintain one cabin for the purpose of housing a fulltime caretaker without limitation on duration of caretaker lease.
 - f. No Holding Over – At the end of a RV Lease Term or Renewal Term, a RV Tenant must surrender possession of the RV site to the Resort, or be immediately subject to an action for forcible detainer with no further notice.
 - g. Legal Compliance – All RVs connected on the Premises must have current registration, inspection, and liability insurance. RV Tenants must provide proof of registrations, inspection, and liability insurance to the Resort upon beginning of their tenancy.
 - h. No RV Sales – RVs may not be sold on the Premises. RV Tenants may not post “For Sale” signs on their RV.
 - i. Tent Camping
 - j. Group Camping
 - k. Camping Activities shall be organized by Resort staff for Resort guests to enhance the guest experience.
- H. Uses involving Animals
- 1. The raising of chickens and rabbits for enjoyment of Resort guests
 - a. Animals shall be confined to the area of Resort designated as “The Barnyard,” an area of approximately two acres located at the northwest corner of the property. Care of the animals shall be by Resort staff.
 - b. The quantity of animals held shall be limited to no more than ten (10) chickens and ten (10) rabbits.
 - c. Food production is limited to harvesting of eggs for use at the Resort.

II. Development Phasing

The property will be developed in phases as development market warrants and shall extend the development progress already completed prior to annexation and application for Planned Development.

- A. A future phase shown between the creek and the property line along the southern portion of the property will be developed for recreational use complimentary with existing park uses. Examples of future recreational uses are laser tag, outdoor skills education and demonstrations, and campfire experience for guests. Campfire use must conform with all applicable City ordinances, including but not limited to the City of Canton burn ordinance.
- B. Site development standards shall meet minimum standards set forth by City of Canton.

III. Additional Permitted Uses:

- A. Accessory buildings and uses customarily incidental to the permitted uses.
- B. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.

IV. Building Standards

- A. All buildings shall be constructed according to building codes adopted by City at time of this application and as amended periodically through adoption by the City. Should any pre-existing building (defined as a building existing, constructed, and used prior to the adoption of this PD) present a crucial health and safety issue, as defined by the City, the Developer shall address and rectify the crucial health and safety issue with ninety (90) days of a notice sent by City, or within (90) days of the adoption of this PD, if identified and enumerated in this Subsection IV(A):
 - 1. Event barn ingress and egress, including exit doors, must comply with current building codes.
- B. Site development standards shall meet minimum standards set forth by City of Canton except as specifically approved under the conditions of this Planned Development.
- C. All buildings constructed as part of current or future development phases shall be of new materials installed under high standards of design and workmanship. As necessary to construct rustic themed improvements, used and repurposed materials will be allowed to achieve design intent for the Smokehouse and shall be limited to the exterior of this building. Theme of construction shall be consistent with primary design to be stone wainscot with wood siding as specifically approved in this Ordinance.

- D. Deviations from the Planned Development Ordinance for building exteriors are as listed below and shall be limited to the following without further approval:
1. Exterior of Barn constructed prior to annexation into the City is 1x12 cedar boards aged to resemble weathered barnwood.
 2. Four of the eight cabins, due to the raised style of construction and to meet rustic design intent, are primarily log and rough cedar siding. The additional four cabins meet the 50% masonry code with the use of James Hardie masonry siding (or City-approved equivalent) above cedar siding wainscot.
 3. Proposed bathhouses and the Pavilion will be constructed to match existing office/General Store which consists of a stone wainscot with log siding above. The ratio of masonry to wood is 30/70.
 4. The proposed Smokehouse exterior will be a combination of new standing seam metal roof aged to appear old, repurposed corrugated metal siding walls; murals of ranch life and BBQ activities applied on metal walls. The front and portions of side walls will be open to reveal Smokehouse activities and interior murals. The Smokehouse is a key design element to supplement guest dining experience at the Resort with design intent to capture the feel of an old smokehouse which has been restored and put into use again.

V. **Landscaping**

Landscaping of all developed areas shall be designed to achieve continuity between various areas of Development and shall be maintained periodically to achieve a well-groomed appearance.

- A. All grass areas to be mowed at least weekly during growing season and Resort shall take reasonable steps to prevent weeds from growing within paved areas of Premises.
- B. All grass areas shall be irrigated in a manner necessary to maintain uniform appearance. Irrigation water shall be provided by a system of wells, ponds, and rainwater catchment and pumped to areas of Resort through automated systems designed and installed by a licensed irrigation contractor.
- C. Existing tree lines shall be maintained to the fullest extent during development of the proposed plan and shall be groomed to achieve a neat appearance. Existing trees are to be removed, as necessary, to clear areas designated for RV parking or buildings, consistent with the City's Landscape Ordinance, and subject to the tree preservation provisions therein.
- D. Each RV space shall be landscaped with a minimum of one tree of at least 3" in caliper measurement, shrubs for screening, and lawn areas planed in all non-paved areas of space.

- E. To maintain the rustic and casual feel of the Resort, there will be no sidewalks installed with the exception of sidewalks surrounding buildings as necessary for exiting and path of travel.
- F. An existing specific landscape zone has been created and is referenced as The Barnyard. This area of approximately two acres shall incorporate terraced gardens, demonstration gardens, orchards, metal utility buildings for farm equipment, chicken coop and rabbit hutch, and areas for walking and relaxation. Use of space is for Resort guests and for education purposes for Master Gardeners and other related groups.

I. **Utilities**

- A. Development shall utilize City of Canton water and sewer to which Development is already connected. Resort shall maintain all sewer and water installations on site with the exception of City main sewer line which is installed by City and is located within an easement along Resort's southern property line
- B. Development shall utilize electrical service provided by local co-op and shall be installed underground where feasible. Where project conditions dictate, overhead service may be installed but the extent of overhead service shall be minimized to areas adjacent to Highway 19.

VII. **Lighting**

- A. Development parking and public areas to be illuminated to provide uniform lighting to create safe areas for pedestrians and vehicles. Lighting shall be controlled in a manner which provides lighting during hours of operation of areas serviced by lighting.
- B. Interior roadways of development shall be illuminated in such a manner which allows drivers of vehicles to safely navigate roads but does not interfere with rustic camping nature of development. Roadway and pathway lighting necessary for safety shall be photocell controlled so lighting is on from dusk to dawn.
- C. All lighting shall be directed in such a way and shielded, when necessary, to eliminate glare from adjacent property owners.
- D. Parking lots shall be illuminated using pole-mounted LED floodlights on 30° poles and building mounted floodlights.

VIII. Parking

- A. Parking at the Resort shall be in a combination of asphalt paved and striped lots and compacted gravel lots designated for guest parking and shall be deemed reciprocal between areas of Resort due to the nature of the shared Resort activities. Parking space dimensions are a minimum of nine (9) feet wide and eighteen (18) feet in length.
- B. Parking ratios for buildings shall meet the minimum standards outlined below:
 - 1. Bed and Breakfast – 1 space per bedroom
 - 2. Permanent Cabins and Tiny Houses – 1 space each
 - 3. Barn/Event Center – 1 space per 100 s.f. of floor area
 - 4. Restaurant – 1 space per 100 s.f. of floor area, including patio dining areas
 - 5. Escape Room and other Entertainment specific buildings – 1 space per 100 s.f.
 - 6. Office/General Store – 1 space per 250 s.f. of floor area. Building use is a mix of office, storage, housekeeping, laundry, registration and minor retail space.
 - 7. Future buildings shall comply with minimum standards set forth in the City of Canton parking standards.
 - 8. Disabled parking spaces shall meet the minimum requirement set forth in the City of Canton parking standards based upon the overall parking spaces required, and shall comply with all applicable state and federal standards, including, but not limited to the Americans with Disabilities Act

VIII. Other Provisions

- A. Emergency and Safety Plan – The Resort shall maintain plans for emergencies, natural disasters, and general safety in compliance with Federal and State law. The emergency and safety plan should be reviewed and republished every five years. The Resort shall make the emergency and safety plan available to the City for inspection upon request. Each guest shall receive tornado safety information upon check-in at Resort. Resort shall comply with all OSHA requirements regarding CPR and first aid certified staff.
- B. Leases Not Assignable – Leases for Lodging and RV sites are not assignable by Tenants, whether such assignment is intentional, by devise and descent, or by other operation of law.

- C. Tenants must maintain a permanent residence at a location other than the Premises, and provide a current mailing address to the Resort at all times during their tenancy. The tenancies created within the premises are ground leases only, subject only to the terms of this Ordinance.
- D. Records – The owner of Resort shall maintain records of all agreements, leases, proofs of certification, inspection, title, and insurance. The City may inspect these records at any time during normal business hours, after providing owner at least 72 hours advance notice of the inspection. The owner of the Premises shall retain records for two years.

EXHIBIT "1"

Metes and Bounds Description: (34.37 Acres)

All that certain lot, tract or parcel of land situated in the Q.C. NUGENT SURVEY, A-618, Van Zandt County, Texas, same being part of the land conveyed in Warranty Deed dated August 24, 1960 from Mae Groves, Individually, and as Independent Executrix of the Estate of C.A. Groves, Sr. to Lloyd C. Groves as found recorded in Vol. 513, Page 77 of the Real Records of Van Zandt County, Texas, and being more fully described as follows:

BEGINNING at a 60d Nail set beside an occupied corner post for the recognized most Easterly East corner of said Groves tract, same being the most Easterly East corner of this;

THENCE: South 57 deg. 30 min. 23 sec. West 1295.94 feet with a recognized Southeast line of said Groves tract to a 60d Nail set for an angle point of this;

THENCE: South 76 deg. 29 min. 14 sec West 418.21 feet with a recognized Southeast line of said Groves tract to a point on the East right-of-way line of State Hwy 19 (Vol. 267, Page 289, Real Records) for the Southwest corner of this, from which a ½" Iron Rod reference was set bears North 76 deg. 29 min. 14 sec. East 10.89 feet;

THENCE: North 07 deg. 16 min. 19 sec. East 683.27 feet with the East right-of-way line of State Hwy. 19 to a ½" Iron Rod set for an angle point in same;

THENCE: North 12 deg. 59 min. 19 sec. East 101.00 feet with the East right-of-way line of State Hwy. 19 to a ½" Iron Rod set for an angle point in same;

THENCE: North 07 deg. 16 min. 19 sec. East 1259.00 feet with the East right-of-way line of State Hwy. 19 to a ½" Iron Rod set in the most Northerly Northeast line of said Groves tract for the Northwest corner of this;

THENCE: South 45 deg. 00 min. 00 sec. East 1741.12 feet with the recognized most Northerly Northeast line of said Groves tract to the PLACE OF BEGINNING containing 34.37 acres of land.

SECTION 11.6 - Appendix: Deer Meadow Planned Development

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, BY PROVIDING FOR THE REPLACEMENT OF ORDINANCE NO. 2006-05 ESTABLISHING THE DEER MEADOW PLANNED DEVELOPMENT DISTRICT; 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 (\$20,00.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

SECTION 1: That Article 30 entitled "Deer Meadow Planned Development District (PD-DM) be replaced and read as follows:

DEER MEADOW DEVELOPMENT PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS

City of Canton, Texas

PLANNED DEVELOPMENT (PD)

Description

Approximately 14.25 acres of land being generally south and adjacent to State Highway 243. The boundaries of the Planned Development District are defined in the field notes attached herein as Exhibit "A".

Purpose and Intent

The purpose of this Planned Development Zoning District is to provide a quality development in an orderly fashion.

Procedure

The standards contained herein set forth the conceptual requirements for the development of the district. Following approval of this ordinance, the developer shall prepare, in a phased manner where applicable, detailed site engineering plans, along with a final plat for a specific tract or area to be developed and conforming to the criteria established herein.

GENERAL CONDITIONS

Conformance to all applicable articles of the Canton Ordinances, Rules and Regulations:

Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance as they presently exist as the approval date of this ordinance.

DEVELOPMENT CONDITIONS

Permitted Uses

Single Family

Development Phasing

The property will be developed in tracts as development market warrants.

Provided Entry Features

Entry improvements shall be approved at the time of Building Construction Permitting. The Homeowners Association will maintain the entry.

Streets b

The project will contain two (2) streets being thirty-two feet (32') in width (Back of curb to back of curb). Streets may have rolled California Curb, if desired by the developer. The streets will be six inch (6"), three thousand (3000) PSI concrete.

Cul-de-Sacs

The project will contain two (2) cul-de-sacs, one being forty-two foot (42') radius, and the southernmost one will be fifty (50').

Right-of-Way

Beginning at the project entrance on Hwy 243, the right-of-way will be fifty feet (50') for approximately three hundred sixty feet (360') and widen to sixty feet (60') within the residential area.

Landscaping of Public Right-of-Way

Parkways along the major circulations streets will be landscaped without trees between the sidewalk and street will be maintained by Property Owners.

Additional Permitted Uses:

1. Sales and Leasing Offices during the development and marketing of the residential area.
2. Accessory buildings and uses customarily incidental to the permitted uses.
3. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.

Planned Development District Standards

Minimum Lot Width	60 feet
Minimum Lot Depth	100 feet
Minimum Lot Size	7,000 s.f.
Minimum Dwelling Size *	1,650 s.f.
Maximum Building Height **	30 feet
Maximum Lot Coverage	80%
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback***	5 feet

Minimum Rear Yard Setback	20 feet
Minimum Rear and Side setback for Accessory Structures	6 feet

- * Exclusive of garages, breezeways and porticos
- ** Accessory Buildings shall conform to the height limitations of the main building
- *** 5 feet minimum side yard setback on corner lots adjacent to a street

Building Standards:

- Minimum 1,650 square feet of living space
- Minimum two-car garage with a sixteen-foot (16') wide driveway
- Minimum 8:12 roof pitches
- Exterior walls shall be constructed of masonry, stone, stucco, Hardie Cement siding; exclusive of doors and windows
- Back yard will be fenced with a six-foot (6') tall wooden, concrete panel or vinyl fence. Metal posts are mandatory for the community perimeter wall. Property Owner's option to use wrought iron, chain link or any other aesthetically acceptable material so as not to prevent view of wildlife and impede the natural environment.
- Mailboxes will be bricked or stoned and placed on property lines. There will be two mailboxes grouped on every other property line.
- Four-foot (4') sidewalks to be built as houses are completed
- Exterior of chimney is to be masonry, brick, pavers, faux manufactured stone or any other natural stone. NO wood box chimneys.
- The two (2) pie-shaped common areas adjacent to Lots #1 and #45 will be incorporated into each respective lot which will increase the size of Lot #1 and Lot #45 respectively which will alleviate any future problems arising out of the HOA maintenance.

Homeowners' Association: A homeowners' association shall be established to maintain common area improvements specifically identified within this ordinance.

Landscaping:

Residential: A minimum of one (1) hardwood tree, minimum two-inch (2"Ø) caliper located no closer than ten feet (10') to the street.

The homeowners' association will maintain designated common areas.

Tree Preservation: The preservation of any existing trees, regardless of specie, shall be credited in the calculation of required tree quantities, in all areas, as follows:

Preserved Tree Caliper Size*	Tree Credits
4" Caliper Tree Preserved	3 Trees
6" Caliper Tree Preserved	4 Trees
8" Caliper Tree Preserved	5 Trees
10" Caliper Tree Preserved	6 Trees
12" Caliper Tree Preserved	7 Trees
16" Caliper Tree Preserved	8 Trees
18" Caliper Tree Preserved	10 Trees
18+" Caliper Tree Preserved	10 Trees
	plus 1 Tree for every 2" Increase

*Measured at 48" Trunk Height

Tree credits shall be applicable provided a preserved existing tree dripline is within fifty feet (50') of any developed area.

Project landscaping requirements are applicable at the time of Building Construction Permitting and shall be implemented at a horticultural appropriate time, and as construction and development progress allows. All landscaping is the responsibility of each project owner, and not necessarily that of the developer.

Utilities:

- All utilities within the subdivision will be underground
- An engineered, designed gravity flow sewer system will serve the subdivision
- Sewer/Water lines will run along property lines and in the street easements. No utilities will run under the street.

SECTION 2. VIOLATION AND PENALTY

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Canton, Texas, and upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense. Each and every day the offense continues shall be deemed to constitute a separate offense.

In addition to the cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCE

That all ordinances or parts of ordinances in conflict therewith 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 judgement 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 5. 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, ADOPTED AND APPROVED by a majority vote the City Council of Canton, Texas, on this the 17th day of October, 2017, to attest which we hereunto set our hands and seal.



Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary



SSC

STANGER SURVEYING COMPANY

100 WEST DALLAS STREET
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

**DESCRIPTION FOR A 15.50 ACRE TRACT OF LAND
JESSE STOCKWELL SURVEY, ABSTRACT NO. 760
VAN ZANDT COUNTY, TEXAS**

BEING a 15.50 acre tract of land situated within the corporate limits of the City of Canton, Van Zandt County, Texas, being a part of the Jesse Stockwell Survey, Abstract No. 760, and being a part of that certain called 21.38 acre tract described in a Warranty Deed, dated September 10, 1982, from Karl Jens Hansen, Individually and as Attorney-in-Fact for William Arthur Hamilton, to Cary A. Price, et ux, recorded in Volume 989, Page 481, Deed Records of Van Zandt County, Texas, said 15.50 acre tract of land being more particularly described as follows:

BEGINNING at a railroad rail (found) at a fence corner at the South corner of the above referenced 21.38 acre tract;

THENCE: North 45° 58' 06" West, with the Southwest line of said 21.38 acre tract, a distance of 269.54 feet to a 5/8 inch iron rod (found) for corner at the West corner of same;

THENCE: North 27° 49' 35" East (Bearing Base, per Vol. 989, Pg. 481), with the Northwest line of said 21.38 acre tract, a distance of 1684.55 feet to a 5/8" iron rod (found) for corner at an angle in same and at the Southeast corner of that certain called 2.0 acre tract described in a Deed to A. E. Hardin, et ux, recorded in Volume 853, Page 908, Deed Records of Van Zandt County, Texas;

THENCE: North 06° 45' 00" East, continuing with the Northwest line of said 21.38 acre tract and with the East line of said 2.0 acre tract, a distance of 298.09 feet to a 1/2 inch iron rod (set) for corner at the Northwest corner of said 21.38 acre tract and being located in the South line of State Highway No. 243;

THENCE: South 85° 57' 12" East, with the most Westerly North line of said 21.38 acre tract and with the South line of State Highway No. 243, a distance of 49.17 feet to a point for corner in same, from which a 1/2 inch iron rod (set) for reference bears South 06° 24' 48" West - 0.50 feet;

THENCE: South 06° 24' 48" West, across said 21.38 acre tract, a distance of 400.69 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 10° 32' 24" East, across said 21.38 acre tract, a distance of 137.59 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 06° 12' 17" East, across said 21.38 acre tract, a distance of 175.46 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 19° 24' 41" East, across said 21.38 acre tract, a distance of 457.77 feet to a 1/2 inch iron rod (set) for corner in the Southeast line of same;

THENCE: South 44° 56' 06" West, with the Southeast line of said 21.38 acre tract, a distance of 1172.50 feet back to the **PLACE OF BEGINNING** and containing 15.50 acres of land.

I, Mark D. Bryant, Sr., Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made under my supervision during the month of September, 2000.

See Plat of Survey prepared even date.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

GIVEN UNDER MY HAND AND SEAL, this the 20th day of September, 2000.

FILE COPY

Mark D. Bryant, Sr.
Registered Professional Land Surveyor
State of Texas No. 4360

J.N. C00231(15.50)

Survey Completed: 9-20-2000



SSC

STANGER SURVEYING COMPANY

100 WEST DALLAS STREET
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

**JESSE STOCKWELL SURVEY, ABSTRACT NO. 760
VAN ZANDT COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION FOR 1.00 ACRE OF LAND

BEING 1.00 acre of land situated within the corporate limits of the City of Canton, Van Zandt County, Texas, being a part of the Jesse Stockwell Survey, Abstract No. 760, and being a part of that certain called 15.50 acre tract described in a Warranty Deed with Vendor's Lien, dated September 26, 2000, from Cary A. Price and Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1584, Page 588 of the Real Records of Van Zandt County, Texas. Said 1.00 acre of land being more particularly described as follows:

BEGINNING 1/2 inch iron rod capped "Stanger" (found) for corner at the most Easterly corner of the above referenced 15.50 acre tract and at the most Southerly corner of that certain called 7.33 acre tract described in a Warranty Deed with Vendor's Lien, dated September 29, 2000, from Cary A. Price and wife, Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1585, Page 31 of the Real Records of Van Zandt County, Texas;

THENCE: South 44 deg. 56 min. 06 sec. West (Bearing Base, per Vol. 1584, Pg. 588, R.R.V.Z.C.T.), with the Southeast line of said 15.50 acre tract, a distance of 198.78 feet to a 1/2 inch iron rod (set) for corner in same;

THENCE: North 45 deg. 03 min. 54 sec. West, across said 15.50 acre tract, a distance of 193.68 feet to a 1/2 inch iron rod (set) for corner;

THENCE: North 44 deg. 56 min. 06 sec. East, across said 15.50 acre tract, a distance of 241.73 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 21 deg. 11 min. 04 sec. East, across said 15.50 acre tract, a distance of 34.57 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 46 deg. 16 min. 43 sec. East, across said 15.50 acre tract, a distance of 83.18 feet to a 2 inch steel fence post (found) for corner;

THENCE: South 46 deg. 29 min. 39 sec. East, across said 15.50 acre tract, a distance of 14.21 feet to a 1/2 inch iron rod (set) for corner in the East line of same and in the West line of the above mentioned 7.33 acre tract;

THENCE: South 19 deg. 24 min. 41 sec. East, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 71.77 feet back to the **PLACE OF BEGINNING** and containing 1.00 acre of land.

I, Mark D. Bryant, Sr., Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made under my supervision during the month of December, 2004.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

GIVEN UNDER MY HAND AND SEAL, this the 9th day of December, 2004.

FILE COPY

Mark D. Bryant, Sr.
Registered Professional Land Surveyor
State of Texas No. 4360



J.N. C00231(1.00-R)

Survey Completed: 12-08-2004

SSC

STANGER SURVEYING COMPANY

100 WEST DALLAS STREET
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

**JESSE STOCKWELL SURVEY, ABSTRACT NO. 760
VAN ZANDT COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION FOR AN EASEMENT

BEING 1.12 acres of land situated within the corporate limits of the City of Canton, Van Zandt County, Texas, being a part of the Jesse Stockwell Survey, Abstract No. 760, and being a part of that certain called 15.50 acre tract described in a Warranty Deed with Vendor's Lien, dated September 26, 2000, from Cary A. Price and Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1584, Page 588 of the Real Records of Van Zandt County, Texas. Said 1.12 acres of land being more particularly described as follows:

BEGINNING at a point for corner at the Northeast corner of the above referenced 15.50 acre tract, at the Northwest corner of that certain called 7.33 acre tract described in a Warranty Deed with Vendor's Lien, dated September 29, 2000, from Cary A. Price and wife, Diane Price to David M. Southerland and wife, Carolyn L. Southerland, recorded in Volume 1585, Page 31 of the Real Records of Van Zandt County, Texas, and being located in the South line of State Highway No. 243, from which a 1/2 inch iron rod capped "Stanger" (found) and used for reference bears South 06 deg. 24 min. 48 sec. West, a distance of 0.50 feet;

THENCE: South 06 deg. 24 min. 48 sec. West, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 400.69 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: South 10 deg. 32 min. 24 sec. East, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 137.59 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: South 06 deg. 12 min. 17 sec. East, with the East line of said 15.50 acre tract and with the West line of said 7.33 acre tract, a distance of 175.46 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: South 05 deg. 47 min. 06 sec. East, across said 15.50 acre tract, a distance of 97.65 feet to a 2 inch steel fence post (found) for corner;

THENCE: South 10 deg. 02 min. 40 sec. East, across said 15.50 acre tract, a distance of 141.65 feet to a 1/2 inch iron rod (set) for corner;

THENCE: South 21 deg. 11 min. 04 sec. East, across said 15.50 acre tract; a distance of 29.94 feet to a 1/2 inch iron rod (set) for corner at the North corner of a 1.00 acre tract surveyed this same date;

THENCE: South 44 deg. 56 min. 06 sec. West, across said 15.50 acre tract and with the Northwest line of said 1.00 acre tract, a distance of 59.66 feet to a 1/2 inch iron rod (set) for corner;

THENCE: North 10 deg. 02 min. 06 sec. West, across said 15.50 acre tract, a distance of 300.21 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: North 06 deg. 12 min. 17 sec. West, across said 15.50 acre tract, a distance of 179.35 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: North 10 deg. 32 min. 24 sec. West, across said 15.50 acre tract, a distance of 148.24 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner;

THENCE: North 06 deg. 45 min. 00 sec. East, across said 15.50 acre tract, at 103.16 feet passing a 5/8 inch iron rod (found) at an angle corner of said 15.50 acre tract and the Southeast corner of that certain called 2.0 acre tract described in a Deed to A. E. Hardin, et ux, recorded in Volume 853, Page 908 of the Deed Records of Van Zandt County, Texas, continuing with the most Northerly West line of said 15.50 acre tract and with the East line of said 2.0 acre tract, in all a total distance of 401.25 feet to a 1/2 inch iron rod capped "Stanger" (found) for corner at the Northwest corner of said 15.50 acre tract and being located in the South line of State Highway No. 243;

THENCE: South 85 deg. 57 min. 12 sec. East, with the North line of said 15.50 acre tract and with the South line of State Highway No. 243, a distance of 49.17 feet back to the PLACE OF BEGINNING and containing 1.12 acres of land.

I, Mark D. Bryant, Sr., Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made under my supervision during the month of December, 2004.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

Bearings are based on the record bearing of "S 44°56'06" W" along the monumented Southeast line of the above mentioned 15.50 acre tract, per Vol. 1584, Pg. 588, R.R.V.Z.C.T.

See Plat of Survey prepared even date

GIVEN UNDER MY HAND AND SEAL, this the 9th day of December, 2004.

FILE COPY

Mark D. Bryant, Sr.
Registered Professional Land Surveyor
State of Texas No. 4360



J.N. C00231(1.12-ESMT)

Survey Completed: 12-08-2004

SECTION 11.7 - Appendix: Mill Creek Ranch, RV Park and Cottage Resort Planned Development

Ordinance No. 2018-03

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ARTICLE 31 OF THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, BY AMENDING THE PLANNED DEVELOPMENT DISTRICT ADOPTED IN ORDINANCE NO. 2007-32, AS AMENDED BY ORDINANCE NO. 2009-17; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT WITH THESE AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; 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 finds that Article 31 of the 1985 Zoning Ordinance for the City of Canton, Texas, should be amended;

NOW, THEREFORE, BE IT ORDAINED THAT:

Section 1. Amendment to Planned Development District

Article 31 titled "Mill Creek Ranch, RV Park and Cottage Resort Planned Development District (PD-MCR)" is revised to read as follows:

MILL CREEK RANCH RESORT PLANNED DEVELOPMENT DISTRICT

- I. *Name*. The name of the Planned Development District is "Mill Creek Ranch Resort" ("MCRR").
- II. *Premises*. The property subject to the provisions of this Ordinance is the called 83.67 acres of land described by metes and bounds on the attached Exhibit A ("the Premises"). In addition to the permanent improvements on the Premises, MCRR contains 130 platted sites for Cottages and 100 platted sites for RVs..
- III. *Purpose*. The City adopts this Planned Development District to permit the owner of the Premises to operate the Resort in accordance with the highest standards of professional hospitality.
 - A. *The Resort*. The owner of the Premises will provide sites for short term rental by RV owners, hotel lodging in structures owned and operated by the owner of the Premises, hotel lodging in Cottages owned by Tenants and operated by the owner of the Premises, event spaces available for the public, and Business Operations in accordance with this Ordinance ("the Resort").

B. *Tenants.* "Tenants" are defined for the purposes of this Ordinance as persons who rent a platted site within the Premises (sometimes referred to as "Cottage Tenants" and "RV Tenants" in this Ordinance). Tenants must maintain a permanent residence at a location other than the Premises, and provide a current mailing address to the Resort at all times during their tenancy. The tenancies created within the Premises are ground leases only, subject only to the terms of this Ordinance.

C. *Guests.* "Guests" are defined for the purposes of this Ordinance as persons who are physically present on the Premises for the purpose of overnight lodging, either as guests for hotel lodging or within an RV (sometimes referred to as "Cottage Guests" and "RV Guests" in this Ordinance). Cottage Tenants are also Cottage Guests for the purposes of this Ordinance when those Cottage Tenants are Guests under this provision. Guests who are not Tenants are licensees only, and Guests have no landlord-tenant relationship with the Resort. All adult Guests must sign a guest license agreement, to be maintained by the owner of the Premises, establishing the rules of the Resort, including at a minimum the material terms listed on Exhibit B.

IV. *Site Plan.* The MCRR Site Plan is shown on the attached Exhibit C. The Site Plan depicts all permanent improvements and infrastructure existing within MCRR at the date of the adoption of this Ordinance.

A. *Platted Sites.* The Site Plan depicts the 130 platted Cottage sites and 100 platted RV sites. No additional Cottage sites or RV sites may be added to the Premises without further amendment to this Ordinance. Only one Cottage or RV may be located on any single platted site.

B. *Resort Utilities.* The Resort will maintain full electrical (with 20 amp, 30 amp, and 50 amp service), water, sewer, and internet access for each RV platted site. The Resort will maintain electrical, water, hot water, heating and air conditioning, sewer, and internet access for each Cottage.

C. *Future Improvements.* The owner of the Premises may construct additional permanent infrastructure or improvements within the Premises in compliance with applicable state laws and City ordinances, without further amendment to this Ordinance. Only the owner of Premises may make permanent improvements on the Premises. No Tenants are authorized to construct permanent improvements on the Premises.

V. *Resort Improvements and Operations.* MCRR contains public facilities, guest facilities, and Resort lodging facilities.

A. *Public Facilities.* The Resort will maintain permanent improvements on the Premises which provide facilities, services, and Business Operations to be used by Guests and the general public, including the grand lodge and the general store.

B. *Guest Facilities.* The Resort will maintain permanent improvements and natural features on the Premises for recreational and practical purposes for the benefit of Guests. The recreational facilities include an outdoor pavilion, swimming pools, ponds, walking trails, and a playground. The practical facilities include permanent improvements for baths and restrooms, laundry, and the day to day operations of the Resort and maintenance of the Premises.

C. *Resort Lodging.* In addition to managing short term lodging in Cottages owned by Tenants, the Resort may operate short term lodging, open to the public, within structures on the Premises that are owned by the owner of the Premises, including Cottages that are owned by the owner of the Premises or its affiliates, wherever those Cottages may be located on the Premises.

D. *Landscaping Maintenance.* The Resort must regularly mow the grass on the Premises according to seasonal demands, at least once per week during the growing season. The Resort must take reasonable steps to prevent weeds from growing within paved areas of the Premises, applying herbicide as needed, at least once every quarter of every year.

E. *Facilities Maintenance.* All improvements must be maintained in a safe condition. Buildings must be well painted and clean. The Resort must clean all restrooms at least twice per day.

VI. *Cottages.* A "Cottage" is defined for the purpose of this Ordinance as a Park Model RV that is built in compliance with Standard 119.5 published by the American National Standards Institute, or its successor standard(s).

A. *Only New Cottages Permitted.* All Cottages must be new when first connected to utilities on the Premises. A "new" Cottage is defined as a Cottage that has never been connected to utilities at any other location. After a Cottage is first connected to utilities on the Premises, it may be moved to a different platted Cottage site in compliance with this Ordinance.

B. *Cottage Ownership and Rental.* Cottages will be owned by Cottage Tenants. Cottages may also be owned by the owner of the Premises. Maintenance of Cottages will be the responsibility of the owner of that Cottage, but owners of Cottages may contract with the Resort to provide regular maintenance for Cottages. Cottages must be furnished by their owners, subject to applicable restrictions established by the Resort. Cottages will be rented by their owners to other individuals for hotel lodging, under the terms of Management Agreements between Cottage Tenants and the Resort.

C. *Hotel Lodging.* The Resort will maintain the Cottages as hotel lodging. The owner of the Premises must provide Cottage Guests customary hotel services, such as cleaning, linens, emergency maintenance, and the provision of utilities.

D. *Management Agreement.* All lodging within Cottages on the Premises by parties other than Tenants must be managed by the Resort pursuant to written agreements with each Tenant.

E. *Lease Terms.* Platted Cottage sites may be leased by the Resort to Cottage Tenants for variable terms not to exceed five years.

F. *Rental Pool.* Each Cottage must be available for rental by the public as hotel lodging for at least seven days each quarter of every year. A Cottage Tenant must vacate their Cottage for one additional day immediately prior to every period the cottage is available for rental.

G. *Legal Compliance.* All Cottages must be certified by an accredited developer to be compliant with Standard 119.5 of the American National Standards Institute or its successor standard(s), and all applicable state law and local ordinances. All Cottages connected to utilities on the Premises must obtain permits for that connection in compliance with City ordinances.

H. *No Unfit Cottages Permitted.* Cottages permitted by this Ordinance to be connected to utilities on the Premises must be maintained in a safe and sanitary condition that meets all applicable state and local standards and ordinances. Any City notice regarding sub-standard conditions at any Cottage may be delivered to the owner of the Premises.

I. *Taxes.* Cottage Tenants must register their Cottages with the Van Zandt County Appraisal District as business personal property. Cottage Tenants are ultimately responsible for all taxes assessed against their Cottages, and the owner of the Premises will have no responsibility to pay any property tax deficiencies assessed against Cottages owned by third parties.

I. *RVs.* An "RV" is defined for the purpose of this Ordinance as a vehicle, with or without motive power, built on a permanent chassis, transportable by highway, and designed to be temporary living quarters for recreational, camping, travel, or seasonal use.

A. *Condition of RVs.* All RVs connected to utilities on the Premises must be in good condition for highway transportation and as temporary living quarters and constructed in compliance with state and federal law. At no time may structures be built around an RV so that it resembles a permanent residence. RVs connected on the Premises must be transportable immediately upon disconnection from utilities. No permanent sewer or water connections made of hard pipe may be used to connect RVs to utilities on the Premises.

B. *Site Lease Terms.* Platted RV sites may be leased by the Resort to RV Tenants, to park and connect their RVs, for variable terms not to exceed one hundred and eighty (180) days. At the end of a Lease Term a RV Tenant must vacate the Premises.

C. *Period of Absence from Premises after RV Term.* All RV Tenants must remove their RV from the Premises for fourteen (14) consecutive days before entering into a new RV site lease.

D. *Employee and Camp Host Sites.* The Resort may offer five RV platted sites to its employees or camp hosts for variable terms up to one hundred and eighty (180) days, as compensation for the labor of those employees or camp hosts. The leases for employees or camp hosts may be renewed for additional terms without limitation.

E. *Condition of Employee and Camp Host RVs.* RVs located on employee and camp host sites must be either in Good and Fairly New Condition or Good Vintage Condition. "Good and Fairly New Condition" means an RV not older than 10 years from the date of manufacture, free of any major defects. "Good Vintage Condition" means an RV manufactured prior to 1975, and restored or maintained in a condition that is free of any major defects, with only minor blemishes present in the paint, body, and interior.

F. *No Holding Over.* At the end of a RV Lease Term or Renewal Term, a RV Tenant must surrender possession of the RV site to the Resort, or be immediately subject to an action for forcible detainer, with no further notice.

G. *Legal Compliance.* All RVs connected on the Premises must have current registration, inspection, and liability insurance. RV Tenants must provide proof of registration, inspection, and liability insurance to the Resort upon the beginning of their tenancy.

H. *No RV Sales.* RVs may not be sold on the Premises. RV Tenants may not post "For Sale" signs on their RV. Notwithstanding anything herein to the contrary, this provision shall not affect the ability of the Premises Owner to sell Cottages as set forth in Section IX.D., *infra*.

VIII. *Infrastructure.* All infrastructure and roads on the Premises will be built in accordance with applicable City ordinances and state and federal law and regulations.

A. *Roads.* All roads will be paved, constructed and maintained by the owner of the Premises. Roads must be constructed to a minimum standard of a 6" flex base (Type D, Grade 3) or crushed concrete per Texas Department of Transportation specifications with a two course surface treatment (PB Grade 3 bottom, and PB Grade 5 Surface).

B. *Water.* The Premises will utilize City water for drinking and fire protection, as shown in the Site Plan. All internal water mains will be 6 inches in diameter. Fire hydrants will be placed per City ordinances. The owner of the Premises will maintain the water lines within the Premises.

C. *Drainage.* The Premises contain a series of ponds and levees to divert and impound rain water, as shown in the Site Plan.

D. *Irrigation.* The Resort will irrigate the Premises with water captured by ponds on the Premises.

E. *Sewer System.* The sewer system servicing the Premises will tie into the City's sewer system. The owner of the Premises will maintain the sewage lines within the Premises.

IX. *Business Operations.* The owner of the Premises may maintain Business Operations on the Premises, in compliance with City ordinances and State and Federal laws and regulations, for the use of Guests and the general public.

A. *Categories of Authorized Business Operations.* The following categories of Business Operations are authorized on the Premises:

1. *Personal Service.* Any number of Personal Service Establishments as that term is defined by the Canton Zoning Ordinance (a non-exhaustive list of Personal Service Establishments permitted includes a spa, a horse and carriage service, and a tour service).

2. *Limited Retail.* Limited retail operations selling products branded by the Resort or a particular Business Operation, or selling products that are directly

related to Business Operations that are actually established on the Premises (for example, a non-exhaustive list of authorized retail for a spa would be the sale of personal wellness products and equipment, dermatological products and equipment, and food or drink sold for health benefits, while a spa could not sell computers, antiques, or livestock).

3. *Food Service.* Any number of Eating Establishments, as that term is defined by the Canton Zoning Ordinance.

B. *Private Club.* The Resort may operate a private club with food and drink services, pursuant to its specific use permit granted in Ordinance No. 2009-17.

C. *General Store.* The Resort may operate a general store, being a Dry Goods Store, Food Store, and Recreational and Sports Store as those terms are defined by the Canton Zoning Ordinance.

D. *Cottages Sales.* The owner of the Premises or its affiliates may display, sale, and resell Cottages on the Premises.

E. *Provision of Business Operations.* The Resort may contract with third parties to provide Business Operations on the Premises, subject to the restrictions of this Ordinance.

F. *Locations of Business Operations.* Business Operations may be conducted anywhere on the Premises, except from within an RV or a Cottage owned by a party other than the owner of the Premises or its affiliates, other than the rental of the Cottage for hotel lodging.

X. *Other Provisions.*

A. *Emergency and Safety Plan.* The Resort must maintain plans for emergencies, natural disasters, and general safety, in compliance with Federal and State law. The emergency and safety plan should be reviewed and republished every five years. The Resort must make the emergency and safety plan available to the City for inspection upon request. Each Guest must receive tornado safety information upon check in at the Resort. The Resort must comply with all OSHA requirements regarding CPR and first aid certified staff.

B. *Leases Not Assignable.* Leases to Cottage sites and RV sites are not assignable by Tenants, whether such assignment is intentional, by devise and descent, or by other operation of law.

C. *Records.* The owner of the Premises must maintain records of all agreements, leases, proofs of certification, inspection, title, and insurance, and guest license agreements. The City may inspect these records at any time during normal business hours, after providing the owner of the Premises at least 72 hours advance notice of the inspection. The owner of the Premises must retain records for two years.

D. *Descriptive Headings.* Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Ordinance.

E. *Linguistic Construction.* When the context requires, singular nouns and pronouns include the plural.

Section 2. Violation and Penalty

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Canton, Texas, and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Each and every day the offense continues shall be deemed to constitute a separate offense.

Section 3. Repeal of Conflicting Ordinance

All ordinances or parts of ordinances that conflict with this ordinance are repealed to the extent of such conflict, however, nothing herein shall serve to enjoin the City of Canton from enforcing any building or property maintenance standards ordinances or any code enforcement ordinances otherwise applicable to the Premises, or to repeal any such ordinances that would otherwise be applicable to the Premises.

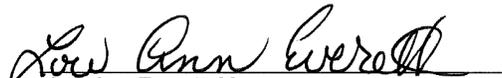
Section 4 - Severability Clause

If 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. 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

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, ADOPTED AND APPROVED by a majority vote the City Council of Canton, Texas, on this the 5th day of March, 2018, to attest which we hereunto set our hands and seal.


Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary

Exhibit A - Metes and Bounds Description of the Premises

Being all that certain lot, tract or parcel of land located in the Q.C. Nugent Survey, Abstract No. 618, City of Canton, Van Zandt County, Texas and also being described as a 83.67 acre tract of land described in Deed to B.J. Sentinel, LTD recorded in Volume 2145, Page 170 of the Deed Records of Van Zandt County, Texas (DRVZCT). Said lot, tract, or parcel of land being more particularly described as follows:

BEGINNING at a 5/8" iron rod set in the east line of State Highway 19 at the southwest corner of the ??? acre tract of land described in Deed recorded in Volume 881, Page 299 of the DRVZCT and being the northwest corner of this tract;

THENCE, along the common line of the ?? Tract and this tract as follows: S 84° 03' 28" E, 143.75 feet to a 1/2" iron rod found; N 89° 03' 28" E, 214.96 feet to a 1/2" iron rod found; N 83° 40' 45" E, 265.51 feet to a 1/2" iron rod found; S 85° 58' 58" E, 221.94 feet to a 1/2" iron rod found; S 70° 35' 34" E, 997.27 feet to a 1" iron pipe found; N 26° 09' 45" E, 832.31 feet to a 1/2" iron rod found in the south line of Interstate Highway 20;

THENCE, S 63° 01' 15" E, 274.09 feet along the south line of IH-20 to a 1/2" iron rod found at the northwest corner of the Lee Cox part of 300 acre tract of land described in Deed recorded in Volume 801, Page 731 of the DRVZCT;

THENCE along the common line of the Cox Tract and this tract as follows: S 10° 54' 35" W, 216.32 feet to a 1/2" rod found; S 32° 20' 15" W, 98.00 feet to a 1/2" iron rod found; S 80° 06' 32" E, 246.18 feet to a 1/2" iron rod found; S 43° 40' 00" E, 1835.76 feet to a 1/2" iron rod found in the north line of Elmo Gandy et ux to John Beverly Parrish et ux 120.07 acre tract of land described in Deed recorded in Volume 781, Page 369 of the DRVZCT, at the southeast corner of this tract;

THENCE, S 83° 27' 38" W, 2016.71 feet along the common line of the Parrish Tract and this tract to a 5/8" iron rod set at the southeast corner of the 58.328 acre tract of land described in Deed recorded in Volume 781, Page 369 of the DRVZCT;

THENCE, along the common line of the ?? Tract and this tract as follows: S 52° 16' 24" E, 83.56 feet to a 5/8" iron rod set; S 77° 00' 22" W, 24.69 feet to a 5/8" iron rod set; S 64° 44' 38" W, 84.17 feet to 1/2" iron rod found; N 53° 40' 34" W, 1011.90 feet to a 5/8" iron rod set; N 54° 10' 17" W, 635.36 feet to a 1/2" iron rod found; N 10° 30' 41" E, 728.19 feet to a 5/8" iron rod set; S 83° 37' 04" W, 220.70 feet to a 5/8" iron rod set; found; S 89° 56' 34" W, 215.65 feet to 1/2" iron rod found; N 84° 14' 54" W, 146.11 feet to a 1/2" iron rod found in the east line of SH 19;

THENCE, N 11° 04' 31" E, 19.98 feet along the east line of SH 19 to the POINT OF BEGINNING AND CONTAINING 83.67 ACRES OF LAND MORE OR LESS.

*BASIS OF BEARING: RECORDED DEED VOLUME 2145, PAGE 170 OF THE DRVZCT.

Exhibit B - Guest License Agreement Standards

All adult Guests of the Resort must sign a guest license agreement, prepared by the Resort, establishing the rules of behavior within the Premises, and including the following minimum standards:

- I. Listing the name, age, and relationship of all persons who will occupy the Premises with the Guest.
- II. Listing all vehicles in the Guest's possession.
- III. Establishing quiet hours through the night, at least 11:00 p.m. to 7:00 a.m.
- IV. Establishing check in and check out times.
- V. Establishing a speed limit no higher than 10 m.p.h.
- VI. Notifying Guests that there are no lifeguards on duty at the pools.
- VII. Requiring pets to remain on leashes, except in approved restraining pens or in specially designated leash free areas.
- VIII. Prohibiting Guests from possessing known dangerous animals.
- IX. Prohibiting swimming within the ponds and creek.
- X. Prohibiting the use of dirt bikes, mini bikes, go-karts, 3 or 4 wheelers, and similar vehicles.
- XI. Prohibiting Guests from engaging in, facilitating, or permitting criminal activity, including drug-related criminal activity.
- XII. Prohibiting the discharge of firearms and fireworks.

Exhibit C - Site Plan

All drawings created by Carter W. Clark, Jr., P.E. 90367

1. - 6. Grading Plan
7. Drawing of permanent improvements, RV Sites, and Cottage Sites 1-103
8. Drainage Area Map
9. - 10. Sanitary Sewer Plan
11. - 12. Water Plan
13. Electric Plan
14. General Notes

SECTION 11.8 - Appendix: Bluegreen Development Planned Development

ORDINANCE NO. 2021-3

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE NO. 2020-2, THE CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM RURAL AGRICULTURAL DISTRICT (RA) TO PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 20.006-ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 19 AND INTERSTATE 20, CANTON, TEXAS, OWNED BY EDWARD DEARING, BETTY WILKERSON, DORIS BUTLER AND THE ESTATE OF JOYCE CRABTREE, 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 THOUSAND DOLLARS (\$2,000.00) 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;

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 Edward Dearing, Betty Wilkerson, Doris Butler, and the Estate of Joyce Crabtree, located in the northeast corner of the intersection of Highway 19 and Interstate 20, in Canton, Texas, from Rural Agricultural District (RA) to Planned Development (PD) District zoning classification.

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. all other regulations of the "Planned Development District" as set out in Exhibit "A" attached hereto shall apply and development shall be consistent with the Exhibit "B" Preliminary Site Plan attached hereto.

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.

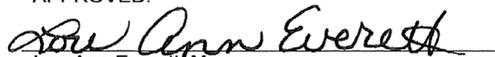
SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or the Comprehensive Plan, as amended hereby be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance or the Comprehensive Plan as a 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 Thousand and No/100 (\$2,000.00) 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 provides.

DULY PASSED by the City Council of the City of Canton, Texas, on the 26th day of May, 2021.

APPROVED:


Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary



EXHIBIT “A”

BLUEGREEN DEVELOPMENT

PLANNED DEVELOPMENT DISTRICT

Development Standards

City of Canton, Texas

Development Standards for Bluegreen Development

SECTION 1.0 DESCRIPTION

This Planned Development District (“PD” or “Bluegreen Development”) consists of ±20.006 acres as described by metes and bounds on **Exhibit 1** attached hereto, and is located within the northeast quarter of land west of Trade Days Boulevard, and north of Interstate 20, in the city of Canton, Texas (the “City”), and in Van Zandt County, Texas. The Bluegreen Development is a B-2 General Business zoning-based development expected to consist of a convenient store, casual and fast-food dining, and hospitality uses.

SECTION 2.0 SPECIAL DEVELOPMENT REGULATIONS

Phase 1 of The Bluegreen Development, which includes all of the areas not included in Phase 2, as shown on the concept plan for the Bluegreen Development (the “Concept Plan”) attached as **Exhibit 2**, may be developed generally as depicted on the Concept Plan. A concept plan and subsequent site plan(s) approved by the City Council for Phase 2 will be required prior to development within Phase 2, in accordance with Section 4.0.

Prior to development, a detailed site plan shall be submitted for approval in accordance with the requirements of Section 3.3, Site Plan and Subsection 6.24.7, referring to PD Site Plans, of the City of Canton’s Zoning Ordinance, (and all other applicable City ordinances) within two (2) years from the date of the approval of the concept plan and the date all access points and access routing methods have been approved for all or some portion or phase of the planned development covered by the overall concept plan. If a detailed site plan for Phase 1 is not submitted within two (2) years, then the concept plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity.

In accordance with City regulations, the Concept Plan and any detailed site plans shall have the flexibility to be amended/modified as the project develops, if approved by the City Council. The Zoning Administrator or their designee may authorize minor amendments to an approved concept or site plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved concept or site plan, in accordance with Subsection 3.3.6 “Minor Amendments” of the City of Canton’s zoning ordinance.

2.1 USE AND DEVELOPMENT REGULATIONS

2.1.1 For Phase 1, as shown on the Concept Plan, the permitted uses and standards shall be in accordance with the B-2 General Business zoning district unless otherwise specified herein. The permitted uses and standards for Phase 2 (and any other phase developed subsequent to Phase 1) shall be in accordance with the B-2 General Business zoning district.

If there is a conflict between any City zoning, signage or landscaping regulation and the provisions provided in this PD, the provisions provided in this PD shall control.

2.1.2 The following uses are prohibited in this PD:

- a. Agriculture sales and services
- b. Recreational and Sports (Indoors)
- c. Automotive Sales
- d. Automotive Repair Facility
- e. Manufacturing
- f. Bingo parlor
- g. Laundromat washateria/self-service
- h. Laundry Services, including dry cleaning
- i. Pawn Shop
- j. Kennels, inside or outside pens
- k. Cemetery or Mausoleum
- l. Pet Sales and Services

SECTION 3.0 SPECIAL CONDITIONS WITHIN THIS PD.

The following special conditions are made a part of this PD. All references to lots herein shall mean those certain lots as shown on the Concept Plan.

3.1 DRAINAGE REGULATIONS

- 3.1.1 Drainage improvements shall be in accordance with the City's Code of Ordinances. Drainage ways may be permitted and constructed in accordance with the City Municipal Code, which includes certain allowances in construction standards for Pipeline and Drainage Systems, provided the PD is platted with detention areas confined to common areas. Such drainage ways will be designed to handle adequate flows and will not be built without specific approval of the City engineer.
- 3.1.2 Private drainageways are allowed within this PD.

3.2 ACCESS REGULATIONS

- 3.2.1 Access will consist of entry off of the Interstate 20 west bound ramp to "Bluegreen Drive," Trade Days Blvd. entering into "Bluegreen Point Road" with a drive into Lot A, and an entry onto "Bluegreen Commons." The developer will be responsible for: (1) obtaining right-of-way for Bluegreen Point Road; and (2) obtaining final clearance from the Texas Transportation Commission for the proposed use of the Interstate 20 ramp to Blue Green Drive.
- 3.2.2 Blue Green Commons Road, as shown on the Concept Plan, is a cross access road for all parcels within the Blue Green Development.
- 3.2.3 As shown on the Concept Plan, Blue Green Point Road will only allow exiting traffic

to turn right with a physical diverter prohibiting left existing turns. No building permits will be issued for the buildings shown on the Concept Plan without access being approved and provided for Blue Green Point Road.

- 3.2.4 Approval to access (ingress and egress) Blue Green Drive from Interstate 20, including approval of a deceleration lane, must be obtained from TXDOT and shown on a site plan, which site plan shall be approved by the City of Canton. No building permits will be issued for the buildings shown on the Concept Plan without access being approved and provided for Blue Green Drive from Interstate 20.
- 3.2.5 Lots B-F are permitted to have shared cross access. Individual lots are allowed cross access for the purpose of parking and maneuvering via a cross access. Lots within this PD are not required to have frontage on an approved street. (which consists of Interstate 20 ramp).

3.3 SIGN REGULATIONS

- 3.3.1 Signs must be in conformance with TXDOT regulations (as may be required by TXDOT) regarding signs along Interstates and, except as provided below in this Section 3, all signage will conform to the City of Canton sign ordinance, as amended. Signs will require permits and will need to be approved by the City of Canton and by TXDOT, if required by TXDOT, prior to construction.
- 3.3.2 Wall Signs. Lot A may have a maximum of 165 square feet of wall sign on the front building façade. Lots B through G may have a maximum of 120 square feet of wall sign area on the front building façade.
- 3.3.3 Monument Signs. With the exception of Lot A, all ground (monument) signs shall have a maximum height of 10 feet and include a maximum square footage of 125 square feet. Lot A shall be allowed a ground (monument) sign with a maximum of 11-foot height and maximum of 150 square foot size. A monument sign shall have no less than 400 square feet of landscaping at the base.
- 3.3.4 Pole Signs. Subject to TXDOT approval (if required), each of the Lots B-G may have a pole sign with a maximum height of 80 feet and a maximum square footage of 300 square feet, and Lot A may have one 100 feet pole sign with a maximum height of 100 feet and maximum area of 400 square feet.
- 3.3.5 With the exception of Lot A, all free-standing accessory signs shall provide a landscaped area containing one (1) square foot per two (2) square feet of sign or fraction thereof located within 10 feet of the base of any freestanding accessory sign. Lot A shall be required to provide no more than 100 square feet of landscaped area within 10 feet of the base of any freestanding accessory sign constructed on Lot A. This landscaping may be applied to fulfill site or parking point requirements. Turf grass shall not be used to satisfy this requirement.

3.4 SIDEWALK REGULATIONS

Except for Lot A, 5 foot sidewalks shall be constructed on the interior streets where required by the City. Lot A shall not be required to provide any sidewalks. Sidewalks or pedestrian paths shown on the concept plan will be constructed at the time a building permit is issued on a lot.

3.5 COMMON AREAS AND DETENTION POND

Maintenance of the common areas in the Bluegreen Development shall be the responsibility of the owner(s) pursuant to a property owner's association "POA" agreement and filed of record. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements within the Bluegreen Development.

3.6 GENERAL DESIGN AND DEVELOPMENT GUIDELINES

Development within the site shall meet the B-2 General Design and Development Guidelines, as contained in the City's Code of Ordinances, for density, amenities, relationship to abutting uses, site design, safety, and circulation systems unless otherwise modified herein.

3.7 OTHER REGULATIONS

- 3.7.1 Dumpsters: All commercial dumpsters may be located on any portion of the development area designated for trash pick-up. All dumpster sites shall be screened from view by a 6 to 8-foot-high fence and masonry wall.
- 3.7.2 Screening. Roof-mounted equipment shall be screened from view from the ground level of the parcel as well as adjacent properties.
- 3.7.3 Parking: Lots B-F may have cross-access parking per agreement filed of record and which meets all applicable City ordinances regarding parking capacity.
- 3.7.4 Applications for all commercial building permits must include an overall site plan along with this approved PD, which depicts the size of building(s) and include parking spaces, egress and ingress, sidewalks (if required) and landscape plan, and which must meet City ordinance requirements for site plan, platting, and subdivision review. Architectural elevations for all buildings proposed on the property indicating the material, color, texture, windows, doors and other design features of the building, including all visible mechanical equipment, such as heating and cooling shall be submitted to the City as part of the application for building permits. Elevations shall be drawn to a scale of one (1) inch equals ten (10) feet or greater or a comparable scale.

SECTION 4.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PD. It is anticipated that construction of Phase 2 will begin within eighteen (18) months of the start of construction for Phase 1.

EXHIBIT "1"

BEGINNING at a TXDOT concrete monument found at the southerly southwest property corner of the said Wilkerson tract, being the intersection of the northeast right-of-way line of Interstate Highway No. 20, being a variable width right-of-way, described as "Parcel 48-2" in a deed to the State of Texas, recorded in Volume 530, Page 194, D.R.V.Z.C.T., as shown in State Highway Department Plan of Proposed Right-of-way Project Dated May 6, 1966, with the east right-of-way line of Highway No. 19, being a variable width right-of-way, described in deeds to the State of Texas, recorded in Volume 266, Page 534, D.R.V.Z.C.T., and Volume 250, Page 393, D.R.V.Z.C.T., as shown in Right-of-way map Control No. 108-Section 1;

THENCE NORTH 06° 52' 44" EAST, with the southwest property line of the Wilkerson tract and with the said east right-of-way line of Highway No. 19, a distance of 59.26 feet (deed called to be 59.35 feet) to a 1/2 inch rebar found at the northerly southwest property corner of the said Wilkerson tract;

THENCE NORTH 53° 08' 09" EAST, with the northwest property line of the said Wilkerson tract, a distance of 437.84 feet (deed called to be 437.49 feet) to a 1/2 rebar found at the south property corner of a tract described in the deed to John S. Turner II, and wife Barbara Turner, recorded in Volume 1189, Page 376, D.R.V.Z.C.T.;

THENCE NORTH 53° 00' 11" EAST, continuing with the said northwest property line, and with the southeast property line of the said Turner tract, a distance of 772.43 feet (deed called to be 772.38 feet) to a 1/2 inch rebar found at the north property corner of the said Wilkerson tract, same being the east property corner of the said Turner tract, and being the west property corner of the tract described in the deed to John S. Turner II, and wife Barbara Turner, recorded in Volume 1025, Page 19, D.R.V.Z.C.T.;

THENCE SOUTH 16° 19' 48" EAST, with the said northeast property line of the said Wilkerson tract, and with the southwest property line of the said Turner tract (Vol. 1025, Pg. 19), a distance of 1,463.49 feet (deed called to be 1,463.60 feet) to a 1/2 inch rebar found on the aforesaid northeast right-of-way line of Interstate Highway No. 20;

THENCE NORTH 65° 57' 41" WEST, with the said southwest property line of the Wilkerson tract and with the said right-of-way line, a distance of 1,517.40 feet (deed called to be 1,517.10 feet) returning to the **POINT OF BEGINNING** and enclosing 20.006 acres (±871,448 square feet).

SECTION 11.9 - Appendix: BURNETT TRAIL APARTMENTS PLANNED DEVELOPMENT

ORDINANCE NO. 2021-5

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE NO. 2020-2, THE CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM RURAL AGRICULTURAL DISTRICT (RA) TO PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 6.05-ACRE TRACT OF LAND LOCATED AT 312 BURNETT TRAIL (WITH ADJOINING ROADWAY), CANTON, TEXAS, OWNED BY CANTON ECONOMIC DEVELOPMENT CORPORATION, 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 THOUSAND DOLLARS (\$2,000.00) 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;

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 Canton Economic Development Corporation, located at 312 Burnett Trail (with adjoining roadway), in Canton, Texas, from General Business District (B-2) to Planned Development (PD) District zoning classification.

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. the property shall be developed in accordance with the City of Canton Zoning Ordinance; and
- b. all other regulations of the "Planned Development District" as set out in Exhibit "A" attached hereto shall apply and development shall be consistent with the Exhibit "2" Conceptual Plan attached thereto.

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.

Ordinance No. 2021-5

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 Thousand and No/100 (\$2,000.00) 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 provides.

DULY PASSED by the City Council of the City of Canton, Texas, on the 16th day of March, 2021.



APPROVED:

Lou Ann Everett
Lou Ann Everett, Mayor

ATTEST:

Debra Johnson
Debra Johnson, City Secretary

EXHIBIT "A"

BURNETT TRAIL APARTMENTS

**PLANNED DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS**

CITY OF CANTON, TEXAS

DESCRIPTION: Approximately 5-acre tract of land within the Canton Economic Development Corporation's larger sixty-acre parcel of land at the end-end of Burnett Trail, off the west side of Highway 19, south of downtown Canton, and more particularly described in metes and bounds in Exhibit "1" attached hereto. The street address for the property is 312 Burnett Trail, Canton, Texas.

PURPOSE AND INTENT: The purpose of the Planned Development Zoning District is to provide a means for a quality, and an aesthetically-pleasing multi-family phased development. The Burnett Trail Apartments will be an asset to citizens of Canton, as well as a resource for future growth on the EDC's parcel, and the city as a whole. The goal of the project is to deliver a product to the City of Canton that is currently within an underserved sector of the local economy, while allowing for a wide range of residents to take advantage of the pricing, amenities, and quality within a shared community. This development may also help Canton retain youth within the community, offer an interim step for senior living on the ground floors, as well as potentially capture part of the largely transient nature of the monthly Trade Days. The Burnett Trail Apartments will be an upscale property, advancing the standard of living in Canton for all its residents.

PROCEDURE: The standard contained herein set forth the conceptual requirements for the development district. The developer, Kaufman Development & Construction, i.e. Mitchell Kaufman, has prepared an overall Conceptual Plan attached in this document as Exhibit 2.

GENERAL CONDITIONS

Conformance to all applicable articles of the Canton Ordinances, Rules and Regulations.

Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance for Multi-Family 2, or as amended. The Conceptual Plan adopted concurrently with these Development Standards and incorporated herein by reference shows the location and approximate dimensions of the structures and their uses.

DEVELOPMENT CONDITIONS

1. Development Plan

The first phase of the Burnett Trail Apartments is to develop identical two and three-story multi-family buildings and a small leasing/amenity building. Additionally, Kaufman Development & Construction will partner with the CEDC to extend the Burnett Trail Road, water and sewer utilities the length of the northern property boundary. This measure will

not only be an important feature to the Burnett Trail Apartments, but will also encourage future development on the CEDC's remaining 55 acres.

The units will be 60% 2 bed/2 bathroom and 40% 1 bedroom/1 bathroom for a total of sixty units (thirty units per building). The one-bedroom units will be over 750 square feet, while the two-bedroom units will be over 1,000 square feet. Each unit will offer quality building products like granite countertops, wood cabinetry, large walk-in closets, full kitchen appliances, and more.

The property will provide ample parking with optional carports and open space within the courtyard. This space will include a grill and pavilion area, lawn, and dog park. The property will be landscaped with pine and oak trees, as well as with bushes and sprinklered sod. Residents will have efficient access to the residential buildings, as well as the centrally-located club/amenity building for mail and leasing services.

Phase 2 of the Burnett Trail Apartments will potentially encompass one or two more identical three-story multi-family buildings and a swimming pool or fitness center. This conceptual drawing can be seen in the attached Exhibit 2. The Planned Development Zoning District allows for the buildings to be an aesthetically-pleasing height while also making optimal use of the five-acre space adjacent to the Texas Power & Light electrical transmission easement.

2. Development Concept

A. Overall

Offer a superior quality product in Canton at a price that is reasonable for working class incomes. Each apartment unit will be of "Class A" quality, built in a way that is efficient from both development and construction aspects.

B. Hire Local

The intent is to hire as many quality & efficient Canton/Van Zandt County/East Texas contractors as possible. Ideally, we will take the majority of the project cost and disperse those funds throughout the local economy in a way that spurs growth for Canton. The majority of the project's financing is set to be sourced from Van Zandt county as well.

C. Encourage Future Development

The infusion of quality, yet relatively inexpensive living in town will provide a backbone for commerce to continue to move to Canton, and specifically the CEDC's remaining 55-acre parcel.

3. Development Standards

A. Building Height

Special Conditions can be described as:

- (i) maximum building height of 45 feet;

- (ii) sprinkler/fire suppression system throughout the structures on the property;
- (iii) Knox box outside all riser rooms;
- (iv) All riser rooms will have external entrances;
- (v) Setback requirements on side/rear of property along Texas Power and Light Company easement and right-of-way will not be applicable. Minimum 20' building setbacks will be required on all other property boundaries.
- (vi) draft breaks;
- (vii) remote FDC

B. Density

Maximum density for the five-acre tract will be twenty-four (24) units per acre or 120 units total. Expected Occupancy is to be a maximum of 96 persons per building, or 192 persons for Phase 1. A potential Phase 2 construction will add an additional 96 persons per building, or 192 total. A cumulative expected maximum occupancy is 384 persons living within four identical residential buildings.

C. Streets

The fire lane within the development will be 26 feet wide with all required turns and radiuses being safe and uniform. The fire lane will be striped and labeled for clear and recognizable direction. The private driveway will be composed of asphalt paving and will not at any time be dedicated to the City for repair or replacement.

D. Parking

- (i) Ample parking will be provided within the development for a total of 121 spaces within the first phase. Spaces are to be nine-feet wide by 18 feet in length to comply with regular parking standards.
- (ii) Sixteen carport spaces will be covered and available to residents directly in front of each building for an additional monthly fee. Bollards will be placed in structurally "at risk" areas to ensure the aesthetic and longevity of the structures.
- (ii) All parking spaces will be composed of asphalt paving and are to be striped clearly and recognizably for residents' use.

E. Site Concrete and Paving

- (i) The perimeter of the parking area will include an installed 6" straight edge curb to ensure parking safety depths and maintain asphalt edge structural integrity.

- (ii) Five foot wide sidewalks will be installed on the exterior perimeter of the buildings to encourage comfortable egress as seen in Exhibit 2. Additional sidewalks will be installed, as necessary, within the interior courtyard in accordance with code and ADA requirements.

F. Amenities

- (i) A pavilion structure will be erected to serve the courtyard area and future pool and pool deck spaces. Total covered square footage will be approximately 250 square feet.
- (ii) Grills, benches, trash receptacles, and picnic tables will be installed and maintained throughout the development for resident use and enjoyment
- (iii) A dog park will be constructed on the south side of the development. The fencing is to be chain link or mesh to effectively keep animals inside.
- (iv) The Club/Leasing building will be single-story and will include a club room approximately 500 square feet in area. This space will be available for a variety of uses during business hours.
- (v) Central mail will be located on the east side of the club/leasing building, and will be available to all residents and ADA accessible.

G. Landscaping

- (i) All grass areas are to be mowed and edged weekly during the growing season, and reasonable steps will be taken to prevent weeds within grass and common areas.

Grass areas will be irrigated in a manner that is uniform, providing a cohesive and clean aesthetic to the development.

- (ii) Phase 2 acreage on the west and southern portions of the project will be undisturbed. If acreage is disturbed during construction, native grasses and Bermuda seed will be planted in order to establish ground cover and prevent erosion. Maintenance on the Phase 2 area will be as necessary within the growing season.
- (iii) Building surrounds will consist of lined mulch flower bedding planted and irrigated with bushes around air conditioning condensers. Bush species is to be determined but shall comply with the City of Canton landscaping ordinance.
- (iv) Irrigation will be provided to sod areas within the courtyard, common areas around residential buildings and the club/leasing building, and most trees serving the interior of the community.
- (v) Planted tree lines along the property line adjacent to the Texas Power & Light easement will be maintained and irrigated, as needed, to provide a growing screening wall to enclose the courtyard and enhance the product.

- (vi) Trees planted onsite to be 3" or greater, and species will be Pine, Oak, or other native trees found within Van Zandt County nurseries.
- (vii) Seasonal flowers will be planted around the club/leasing building in an effort to improve and maintain the aesthetic.
- (viii) All disturbed and developed areas within the first phase of construction will be seeded, sodded, or planted to prevent erosion or storm water runoff.

H. Utilities

- (i) Burnett Trail Apartments will utilize City of Canton water and sewer lines to be installed by Kaufman Development & Construction. Kaufman Development shall install and maintain all water and sewer lines within the five-acre tract.
- (ii) Electrical, cable, and fiber dry utilities are to be served by Trinity Valley Electric Cooperative and/or other available providers. Underground utilities will be required throughout the development for aesthetic purposes. Single-phase power will be wired to all units and throughout the site as needed.

I. Lighting

- (i) Lighting within the development will be provided by parking lot light poles and wall packs mounted on the exterior of the building, as needed. In addition to the courtyard, walkway, and common area lighting will be provided for safety and convenience.
- (ii) Light poles will be installed in the parking area described in the Conceptual Plan attached. This will provide safety and security measures to maintain a well-lit property for residents. This measure, paired with wall packs mounted on the building exteriors, will serve to equally illuminate the common areas of the development.
- (iii) Lighting is to be controlled in a manner that provides lighting during hours of operation. Lighting will be designed and installed to provide safety in parking areas and egress to and from the units.
- (iv) Site lighting will be designed in a manner not to disturb neighboring facilities or contribute to light pollution in a significant way.

J. Building Specifics and Unit Details

- (i) All unit sizes will be approximately 725 square feet for one bedroom/1 bathroom and 1,000 square feet for two bedroom/two bathroom.
- (ii) Buildings #1 and #2 will have a gross square footage of 34,308 square feet each. The clubhouse will be 1,084 gross square feet. The cumulative gross constructed square footage within Phase 1 will be 69,700.

- (iii) All units will be equipped with a refrigerator, electric range, microwave, dishwasher, and garbage disposal.
- (iv) All units will have vinyl flooring throughout
- (v) Each unit will have access to running water, working plumbing, power, and cable/internet. Water, power and cable will be added expenditures via third parties.

K. Exterior Façade

- (i) Exterior building facades shall be a minimum of 30% brick masonry on the first floor levels; 70% cement board siding or board and batten paneling above. Wood accents will be placed in strategic areas to maximize the rustic and "ranchette" themes. Wood accents shall be less than 1% of the exterior façade. Dark colors will be used for balcony railings, gutter systems, and trim materials.
- (ii) The building(s) roof system is to be comprised of dark-color shingles to match building exteriors and overall development themes.

L. Signage

- (i) Unit signage will be provided for clear unit number identification.
- (ii) Building signage will be installed for clear building number identification.
- (iii) Street signage will be installed as needed in order to provide safe passage to and from the community.

M. Property Access

- (i) The Development will offer property access at two points along the Burnett Trail extension as pictured in the attached Conceptual Plan.
- (ii) There will be no limited access gate.
- (iii) There will be an ornamental wood perimeter fence for aesthetic and security purposes with a minimum height of four feet.

N. Storm Water Management Plan

- (i) The storm water runoff will be gathered from the top down of the development through gutter systems on the residential buildings.
- (ii) Gutters will flow into splash blocks around the building where they will then sheet flow to sunlight.
- (iii) A three-foot wide valley gutter will be installed in the eastern and southern parts of the fire lane in conjunction with the appropriate to-be built grades. The valley gutters will flow downhill to two grouted rip-rap spillways, where

the water will be slowed and disseminated to "dead spaces" within the rear/side of the lot. Ample sun and grade paired with the existing natural drainage for the property will work in tandem to manage storm water.

- (iv) Building finished floor elevations are to be slightly raised to encourage positive drainage away from foundations.

O. Trash Screening

- (i) Trash enclosures will be eight-foot high and of ample dimensions to accommodate double trash dumpsters (to be emptied as needed).
- (ii) The screening material will be stained wood with bollards installed as necessary and metal doors that open out for access.

P. Additional items

- (i) Emergency Safety Plan

Resident and employee safety is paramount within the Burnett Trail Apartments. Access is readily available, and each unit will be sprinklered for fire protection. Ownership and management will both be through Mitchell Kaufman (or affiliated entities) for construction and throughout lease-up stabilization. Ownership will work with City officials to develop a comprehensive safety/evacuation plan in addition to building the structures to meet all code requirements.

- (ii) Reports

The owner of the property shall maintain records of all agreements, leases, proofs of certification, inspections, title, and insurance. The City may inspect these records at any time within normal business hours after providing owner with 72 hours advance notice of inspection. The owner of the development shall retain these records for two years.

Exhibit "1"

Description: Approximately 6.05-acre tract of land (5 acres to be developed as apartments and 1.05 acres of roadway running along front of 5-acre tract) within the Canton Economic Development Corporation's larger 60-acre parcel at 312 Burnett Trail, Canton, Texas, located at the dead-end of Burnett Trail, off the west side of Highway 19; south of Downtown Canton.

BEING a 6.05 acre tract of land situated in the J. Douthit Survey, Abstract No. 198, Van Zandt County, Texas, and being part of a called 60.00 acres to Canton Economic Development Corporation recorded in Volume 1976, 403 of the Real Records of Van Zandt County, Texas, said 6.05 acre tract of land being more particularly described as follows:

COMMENCING at a ½ inch iron rod (found) for the east corner of the above-referenced 60.00 acres;

THENCE North 45 deg. 23 min. 40 sec. west, along the northeast line of the 60.00 acres, a distance of 744.00 feet to a ½ inch iron rod (set) for the point of beginning, said corner being the northeast corner of these 6.05 acres, being the west corner of Mill reek Business Park as recorded in Glide 318B of the Plat Records of Van Zandt County, Texas, and being on the southeast right of way of Burnett Trail;

THENCE: South 44 deg. 28 min. 36 sec. west, over and across the 60.00 acres, a distance of 168.56 feet to a ½ inch iron rod (set) for an angle break in the east line of these 6.05 acres;

THENCE: South 45 deg. 31 min. 24 sec. east, continuing over and across the 60 acres, a distance of 118.11 feet to a ½ inch iron rod (set) for an angle break in the east line of these 6.05 acres;

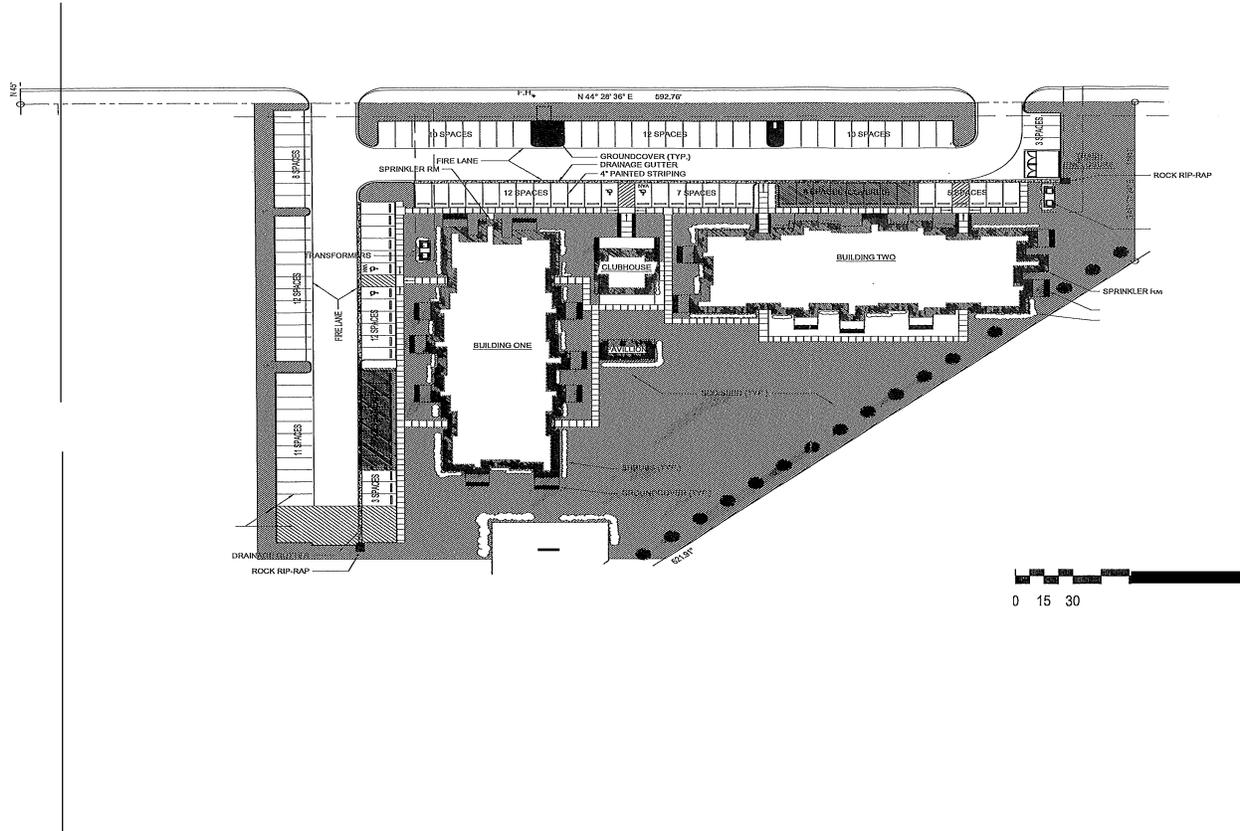
THENCE: South 03 deg. 05 min. 35 sec. west, continuing over and across the 60.00 acres a distance of 621.91 feet to a ½ inch iron rod (set) for an angle break in the east line of these 60.00 acres;

THENCE: South 44 deg. 28 min. 36 sec. west, continuing over and across the 60.00 acres, a distance of 126.15 feet to a ½ inch iron rod (set) for the south corner of these 6.05 acres;

THENCE: North 45 deg. 31 min. 24 sec. west, continuing over and across the 60.00 acres, a distance of 589.25 feet to a ½ inch iron rod (set) for the west corner of these 6.05 acres;

THENCE; North 44 deg. 28 min. 36 sec. east, continuing over and across the 60.00 acres, a distance of 761.45 feet to a ½ inch iron rod (set) for the north corner of these 6.05 acres, said corner also being on the northeast line of the 60.00 acres, being the south corner of South Bend Addition as recorded in Glide 287A of the Plat Records of Van Zandt County, Texas, and being on the northwest right of way line of Burnett Trail;

THENCE: South 45 deg. 23 min. 40 sec. east, along the northeast line of the 60.00 acres and the southwest right of way line of Burnett Trail, a distance of 60.00 feet back to the POINT OF BEGINNING and containing 6.05 acres of land.



BURNETT TRAIL APARTMENTS 312 BURNETT TRAIL CANTON, TX 75103	
PROJECT STATISTICS	
TRACT SIZE (TOTAL S.F.)	5.00 ACRES (217,800 S.F.)
NUMBER OF BUILDINGS	2
NUMBER OF STORIES	3 STORIES/ BUILDING
BUILDING HEIGHT (MAX.)	45' (1)
UNITS PER FLOOR	10
UNITS PER BUILDING	30
TOTAL UNITS/SITE	60
TOTAL S.F. PER BUILDING	34,308 S.F.
TOTAL ENCLOSED S.F. (INC CLUBHOUSE)	69,700 S.F.
DENSITY	12 UNITS PER ACRE
PARKING SPACES (UNCOVERED)	105 SPACES
PARKING SPACES (COVERED)	16 SPACES
TOTAL PARKING SPACES	121 PARKING SPACES

SECTION 11.10 - Appendix: CREEKS AT BURNETT TRAIL PLANNED DEVELOPMENT

ORDINANCE NO. 2021-35

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING ORDINANCE NO. 2020-2, THE CITY OF CANTON ZONING ORDINANCE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM GENERAL BUSINESS DISTRICT (B-2) TO PLANNED DEVELOPMENT DISTRICT (PD) ON THAT APPROXIMATELY 32.68-ACRE TRACT OF LAND LOCATED AT THE END OF BURNETT TRAIL (ADJACENT TO PROPERTY PLATTED AS BURNETT TRAIL SUBDIVISION) CANTON, TEXAS, OWNED BY CANTON ECONOMIC DEVELOPMENT CORPORATION, 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 THOUSAND DOLLARS (\$2,000.00) 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;

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 Canton Economic Development Corporation in Canton, Texas, from General Business District (B-2) to a Planned Development (PD) District zoning classification.

SECTION 2. That the property described may be used only for the purposes set out in the Zoning Ordinance of the City of Canton, subject to the following special conditions:

- a. the property shall be developed in accordance with the City of Canton Zoning Ordinance and any amendments thereto; and
- b. all other regulations of the "Planned Development District" as set out in Exhibit "A" attached hereto 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.

Ordinance No. 2021-35

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 Thousand and No/100 (\$2,000.00) 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 provides.

DULY PASSED by the City Council of the City of Canton, Texas, on the 21st day of December, 2021.

APPROVED:


Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary



EXHIBIT “A”

**CREEKS AT BURNETT TRAIL
PLANNED DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS**

CITY OF CANTON, TEXAS

DESCRIPTION: Approximately 32.68-acre tract of land within the Canton Economic Development Corporation’s larger sixty-acre parcel of land at the dead-end of Burnett Trail, off the west side of Highway 19, south of downtown Canton, and more particularly described in metes and bounds in Exhibit “1” attached hereto. The property is adjacent to Burnett Trails Subdivision.

PURPOSE AND INTENT: The purpose of the Planned Development Zoning District is to provide a means for a quality, and an aesthetically-pleasing single-family home development. The Creeks at Burnett Trail will be an asset to citizens of Canton, as well as a resource for future growth on the EDC’s parcel, and the city as a whole. The goal of the project is to deliver a product to the City of Canton that is currently within an underserved sector of the local economy, while allowing for a wide range of residents to take advantage of the price point, shared master plan amenities, and a high standard of quality construction within a shared community. This development may also help Canton retain youth within the community, offering a new neighborhood that offers new utilities, underground electric, fiber to each lot, and extensive shared amenities such as a community walking trail, ponds, and green space.

PROCEDURE: The standard contained herein sets forth the conceptual requirements of the development district. The developer (Kaufman Development & Construction, *i.e.* Mitchell Kaufman) has prepared an overall site plan attached to this document as Exhibit “2” which will be submitted as the preliminary plat submitted to the City prior to the final plat submission with the City of Canton.

GENERAL CONDITIONS

Conformance to all applicable articles of the Canton Ordinances, Rules and Regulations.

Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the City of Canton Zoning Ordinance for Single Family Detached Residential (R-3), or as amended. The Conceptual Plan adopted concurrently with these Development Standards and incorporated herein by reference shows the location and approximate dimensions of the structures and their uses.

DEVELOPMENT CONDITIONS

1. Development Plan

The Creeks at Burnett Trail will be composed of 146 single-family lots on 32.68 acres of land on the west portion of the Canton Economic Development Corporation’s larger 60-acre tract. This development will be adjacent to the Burnett Trail Apartments and is intended to be a complimentary neighborhood. Featuring fifty-foot front lots, this

development is in compliance with Canton's R-3 base zoning district, with our addition of the minimum square footage requirements described in Section 3. This measure will keep home prices up in the subdivision over the long term, growing Canton's residential sector in a positive manner. The site will include 26-foot streets, City of Canton utilities, underground electric, as well as cable/fiber to each lot.

Street lamps will be located at block corners and at longer street midpoints to ensure safety and give a pleasing aesthetic. The comprehensive plan for the subdivision will include a walking trail around the apartments, creeks, and future development adjacent.

Detention/retention water features will be included within the development as well as handle on-site sheet flow drainage and positive aesthetics.

2. Development Concept

A. Overall

Offer a superior quality product in Canton at a price that is reasonable for working class incomes. This will give the town the ability to house workers and to attract larger employers to the area.

B. Hire Local

The intent is to hire as many quality & efficient Canton/Van Zandt County/East Texas contractors as possible. Ideally, we will take the majority of the project cost and disperse those funds throughout the local economy in a way that spurs growth for Canton. The majority of the project's financing is set to be sourced from Van Zandt County as well.

C. Encourage Future Development

The infusion of quality construction within the city limits will provide a backbone for commerce to continue to move to Canton, and specifically, to the CEDC 60-acre parcel.

3. Development Standards

This zoning will following the City of Canton's 2021-11 Subdivision ordinance (and any amendments thereto) with the addition of the minimum square footage requirement set forth herein.

A. Buildings

- (i) All homes within the subdivision will be a minimum of 1,250 square feet. This is 250 square feet in excess of the standard R-3 zoning in an effort to ensure quality homes at desirable price points.
- (ii) Each home within the subdivision will be required to build a minimum one-car garage attached to the structure of the home.

B. Streets

- (i) The fire lane within the development will be twenty-six feet wide from back of curb to back of curb with all required turns and radiuses being safe and uniform. Fire lanes will be striped and labeled for clear and recognizable direction.
- (ii) All streets will be of concrete construction as recommended and approved by the civil engineer, geotechnical engineer and City staff.

C. Sidewalks

All sidewalks will be constructed in front of each home built by the eventual homebuilders. These sidewalks will be four feet in width except at corners and turning points. ADA ramps and proper compliance will be followed.

D. Landscaping

- (1) All public areas of landscaping will be maintained through an HOA maintenance plan.
- (2) All grass areas are to be mowed and edged weekly during the growing season. All reasonable steps will be taken to prevent weeds within grass and common areas. Grass areas will be irrigated in a manner that is uniform, providing a cohesive and cleaning aesthetic to the development.

E. Utilities

- (i) The subdivision will utilize the city water and sewer lines to be installed by Kaufman Development & Construction. The water and sewer within the 32.68-acre tract will be installed at owner's expense until such time as construction is complete and the City of Canton has accepted the infrastructure.
- (ii) Electrical, cable and fiber dry utilities are to be served by Trinity Valley Electric Cooperative and other available providers. Undergrounds utilities will be required throughout the development for aesthetic purposes. Single-phase power will be wired to all units and throughout the site as needed.

F. Property Access

- (i) The Development will have property access at two points along the Burnett Trail Extension as pictured in Exhibit B, the attached site plan.
- (ii) There will be no limited access gate.

Exhibit "1"

**JAMES DOUTHIT SURVEY, ABSTRACT NO. 198
VAN ZANDT COUNTY, TEXAS
METES AND BOUNDS DESCRIPTION FOR 32.68 ACRES OF LAND**

BEING 32.68 acres of land situated in the **J. DOUTHIT SURVEY, ABSTRACT NO. 198**, Van Zandt County, Texas, and being part of a called 60.00 acres to Canton Economic Development Corporation recorded in Volume 1976, Page 403 of the Real Records of Van Zandt County, Texas. Said 32.68 acres of land being more particularly described as follows:

BEGINNING at a 4-inch fence corner post (found) for the West corner of these 32.68 acres. Said corner also being the West corner of the above referenced 60.00 acres, being the westernmost South corner of a called 53.73 acres to Martha E. Lide recorded in Volume 1529, page 23 of the Real Records of Van Zandt County, Texas, and being on the Northeast line of a called 27.35 acres to Donna Witherspoon Pringle, recorded in Document No. 2004-00002253 of the Real Records of Van Zandt County, Texas;

THENCE: North 47 Deg. 10 Min. 04 Sec. East, along the Northwest line of the 60.00 acres and the Southeast line of the above referenced 53.73 acres, a distance of 896.24 feet to a point for corner for the North corner of these 32.68 acres;

THENCE: South 45 Deg. 31 Min. 24 Sec. East, over and across the 60.00 acres, a distance of 1368.18 feet to a point for corner for an angle break in the Northeast line of these 32.68 acres and also being the South corner of Burnett Trail Subdivision as shown in Glide 365A of the Plat Records of Van Zandt County, Texas;

THENCE: North 44 Deg. 28 Min. 36 Sec. East, continuing over and across the 60.00 acres and along the Southeast line of the above referenced Burnett Trail Subdivision, a distance of 126.15 feet to a ½ inch iron rod (found) for an angle break in the Northeast line of these 32.68 acres;

THENCE: South 03 Deg. 05 Min. 35 Sec. West, continuing over and across the 60.00 acres a distance of 168.13 feet to a ½ inch iron rod (found) for an angle break in the Northeast line of these 32.68 acres;

THENCE: South 45 Deg. 31 Min. 24 Sec. East, continuing over and across the 60.00 acres, a distance of 114.25 feet to a ½ inch iron rod (found) for the East corner of these 32.68 acres. Said corner also being on the Southeast line of the 60.00 acres and being on the Northwest line of a called 39.95 acres to James T. Hayes, et ux. recorded in Document No. 2013-006884 of the Real Records of Van Zandt County, Texas;

THENCE: South 43 Deg. 39 Min. 35 Sec. West, along the Southeast line of the 60.00 acres and the Northwest line of the above referenced 39.95 acres, a distance of 856.07 feet to a fence corner (found) for the South corner of these 32.68 acres and also being the South corner of the 60.00 acres;

THENCE: North 46 Deg. 44 Min. 37 Sec. West, along the Southwest line of the 60.00 acres and the Northeast line of a called 39.6 acres to Jonathan William Pino, et ux. recorded in Document No. 2014-007032 of the Real Records of Van Zandt County, Texas, a distance of 1026.75 feet to a 3/8 inch iron rod (found) for an angle break in the Southwest line of these 32.68 acres. Said angle break also being the North corner of the 39.6 acres and being the East corner of the above referenced 27.35 acres;

THENCE: North 47 Deg. 07 Min. 39 Sec. West, along the Southwest line of the 60.00 acres and the Northeast line of the 27.35 acres, a distance of 621.58 feet back to the **POINT OF BEGINNING** and containing a 32.68 acre tract of land.

Bearings and distances are based on the Texas State Plane Coordinate System, North Central Zone (NAD83, CORS96). Referenced to the Smartnet RTK Network. Reference