

ORDINANCE NO. 2005 – 19

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED; AMENDING ARTICLE 8 MULTIPLE FAMILY RESIDENTIAL 1 DISTRICT (MF-1) LIMITING IT TO SMALLER DUPLEX TO FOUR-PLEX AND TOWNHOUSE DEVELOPMENTS; PROVIDING FOR THE ESTABLISHMENT OF A MULTIPLE FAMILY RESIDENTIAL 2 DISTRICT (MF-2) FOR LARGER DUPLEX TO FOUR-PLEX, TOWNHOME AND APARTMENT DEVELOPMENTS; 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.

**SECTION 1:** That Article 8 entitled Multiple Family Residential 1 District (MF-1) be amended to read as follows:

ARTICLE 8  
MULTIPLE FAMILY RESIDENTIAL 1 DISTRICT (MF-1)

Sec. 8.1. PURPOSE

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.

## Sec. 8.2 PERMITTED USES

### 1. Uses permitted by right.

- a. Multiple family dwellings, including duplexes, triplexes, quadplexes, townhouses, and other single family attached dwellings of not more than four attached rental or sale units;
- b. Public schools or private school offering curricula comparable to that of the public schools;
- c. Churches and other houses of worship (See Section 15-5);
- d. Public recreational facilities and buildings.

### 2. Accessory structures permitted.

- a. Garages, carports, storage rooms, swimming pools and other structures which are customarily incidental to the principal structure;
- b. Administrative/management offices, club or game rooms, recreational facilities and uses, and laundry facilities and uses intended for use solely by the residents of the development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.

### 3. Uses permitted by special exception.

- a. Child day care centers (See Section 15-4);
- b. Governmental buildings and services;
- c. Nursing and convalescent homes (See Section 15-10);
- d. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
- e. Semi-public recreational facilities and buildings.

## Sec. 8.3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 8-4 where it applies, as well as the following requirements:

### 1. Single family attached dwellings--duplexes to quadplexes.

#### a. Minimum lot area:

Duplexes	7500 square feet
Triplexes and Quadplexes	10,000 square feet

#### b. Minimum lot width at building line

Duplexes	75 feet
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|----|---|-----------|
|    | Triplexes and Quadplexes  | 100 feet  |
| c. | Minimum lot depth   | 100 feet  |
| d. | Minimum yard setbacks for one building per lot:   |           |
|    | 1) Front  | 25 feet   |
|    | 2) Side, street   | 15 feet   |
|    | 3) Side, interior   | 8 feet    |
|    | 4) Rear   | 20 feet   |
| e. | Maximum building height of principal structures   | 35 feet   |
| f. | Maximum overhang  | 30 inches |
| g. | Maximum number of units per development under this zoning; unit defined as one duplex, triplex, fourplex or townhome building | 6 units   |

2. Accessory structures.

- 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 one (1) story or fifteen (15) feet in height.

Sec. 8.4. SPECIAL REGULATIONS

In addition to Section 8.3. Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood Hazard areas (See Section 16-6);
3. Home Occupation (See Section 16-7);
4. Nonconforming uses (See Section 16-10);
5. Off-street parking and loading facilities (See Section 16-11);
6. Site plan approval process (See Article 17)

**SECTION 2:** That Article 8A entitled Multiple Family Residential 2 District (MF-2) be added as a supplement to read as follows:

ARTICLE 8A  
MULTIPLE FAMILY RESIDENTIAL 2 DISTRICT (MF-2)

Sec. 8A.1. PURPOSE

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 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.

#### Sec. 8A.2 PERMITTED USES

##### 1. Uses permitted by right.

- a. Multiple family dwellings, including apartments, townhouses, row houses, duplexes, triplexes, quadplexes, and other single family attached dwellings;
- b. Single family detached dwellings, including the leasing or renting of rooms in such dwellings; however, the number of tenants in each dwelling shall not exceed two (2);
- c. Public schools or private school offering curricula comparable to that of the public schools;
- d. Churches and other houses of worship (See Section 15-5);
- e. Public recreational facilities and buildings.

##### ‘2. Accessory structures permitted.

- f. Garages, carports, storage rooms, swimming pools and other structures which are customarily incidental to the principal structure;
- g. Administrative/management offices, club or game rooms, recreational facilities and uses, and laundry facilities and uses intended for use solely by

the residents of the development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.

‘3. Uses permitted by special exception.

- a. Child day care centers (See Section 15-4);
- b. Governmental buildings and services;
- c. Nursing and convalescent homes (See Section 15-10);
- d. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
- e. Semi-public recreational facilities and buildings.

Sec. 8A.3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 8-4 where it applies, as well as the following requirements:

1. Multiple family and single family attached dwellings

- a. Minimum lot area:
  - 10,000 square feet
  - Per one bedroom unit 3,800 square feet
  - Per two or more bedroom units 5,600 square feet
  - Duplexes 7,500 square feet
  - Triplexes and Quadplexes 10,000 square feet
- b. Minimum lot width at building line
  - Duplexes 75 feet
  - All others 100 feet
- c. Minimum lot depth 100 feet
- d. Minimum yard setbacks for one building per lot:
  - 1) Front 25 feet
  - 2) Side, street 15 feet
  - 3) Side, interior 8 feet
  - 4) Rear 20 feet
- e. Maximum building height of principal structures 35 feet
- f. Maximum percent of lot coverage 30%
- g. Maximum overhang 30 inches

‘2. Single family detached dwellings.

- a. Minimum lot area: 7,500 square feet

- b. Minimum lot width at building line 75 feet
- c. Minimum lot depth 100 feet
- d. Minimum yard setbacks:
  - 1) Front 25 feet
  - 2) Side, street 15 feet
  - 3) Side, interior 8 feet
  - 4) Rear 20 feet
- e. Maximum building height of principal structures 35 feet
- g. Maximum overhang 30 inches

3. Accessory structures.

- c. 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.
- d. An accessory structure shall not exceed two (2) story or twenty-five (25) feet in height.

Sec. 8A.4. SPECIAL REGULATIONS

In addition to Section 8A.3. Dimensional Requirements, the following regulations shall apply where required:

- 1. Access (See Section 16-2);
- 2. Flood Hazard areas (See Section 16-6);
- 3. Home Occupation (See Section 16-7);
- 4. Nonconforming uses (See Section 16-10);
- 5. Off-street parking and loading facilities (See Section 16-11);
- 6. Site plan approval process (See Article 17)

**SECTION 3. VIOLATION AND PENALTY**

Any violation of this Ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Ordinance shall be a fine not to exceed Two Hundred and no/100 (\$200.00) Dollars.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCE**

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

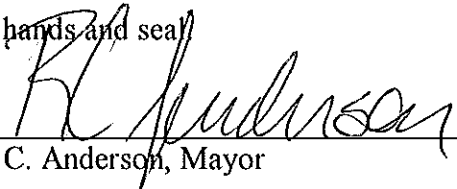
**SECTION 5. SEVERABILITY CLAUSE**

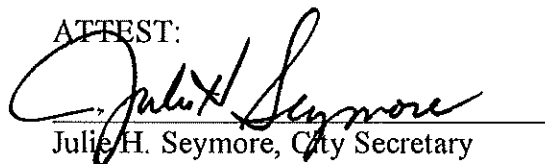
If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**SECTION 6. EFFECTIVE DATE**

The City 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 14<sup>th</sup> day of July, 2005, to attest which we hereunto set our hands and seal

  
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R.C. Anderson, Mayor

ATTEST:  
  
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Julie H. Seymore, City Secretary