

ORDINANCE NO. 2007 - 13

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, BY ESTABLISHING PARKING REGULATIONS; ESTABLISHING GUIDELINES FOR OUTDOOR DISPLAYS; ESTABLISHING GUIDELINES FOR THE USE AND PARKING OF RECREATIONAL VEHICLES; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Canton and the City Council of the City of Canton, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication 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 Section 16-11 titled "Minimum Off-Street Parking and Loading Requirements" be amended to read as follows:

16-11 Parking Regulations

1. Parking in Business Districts

A. 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.

- 1) Parking regulations are based on property use and gross square footage of building(s).
- 2) 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.

- 3) 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.
- 4) 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 use.

B. Parking Requirements for Revised or Additional Uses and Unlisted Uses.

- 1) Whenever, after issuance of a certificate of occupancy, there is a change of 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.
- 2) 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.
- 3) 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 inspection department.

C. Minimum Off-street Loading Standards

- 1) 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.
- 2) 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.
- 3) No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility.
- 4) The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.
- 5) Off-street loading spaces that serve loading docks shall be sixty (60) feet minimum in depth and a minimum of twelve (12) feet wide.

D. Parking Lot Design Standards

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

- b) 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
- c) Twelve (12) feet for forty-five (45) degree parking angle, one-way traffic; twenty (20) feet for forty-five (45) degree parking angle for two-way traffic

E. Location of Parking Areas

- 1) 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 (2) below.
- 2) 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.
- 3) 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.
- 4) Where off-site parking is established by contract, the contract shall make the off-site parking lot or lots available for cooperatively provided parking for a minimum of ten (10) years and grant subsequent options for two (2) additional five-year periods. A copy of such contract, properly executed, shall be filed with the City Building Inspector.
- 5) 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.
- 6) 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.
- 7) No off-street parking shall be located so as 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 and/or curb.
- 8) Except in the CBD (Central Business District), 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.

2. Parking in Residential Districts

Residential District shall be defined as all land used for residential purposes regardless of the zoning district designation, in addition to residential zoning districts.

Standard 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.

Unimproved Parking Surface Residential shall be defined as any driveway constructed prior to the effective date of this ordinance that is not overlaid or paved with an improved parking surface, except that such surface does not include sod or earth.

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.

- A. In a residential 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 inches in height. Side yard does not include the area located between the street and the front of the house.
- B. In residential districts, 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.
- C. In residential districts, 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) Trucks and delivery vehicles while on calls.
- D. 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 Inspector 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.

SCHEDULE OF OFF-STREET PARKING STANDARDS

A. 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 0.75 per unit over 100	Minimum of 3 spaces for first 100 sq. ft.
8.	Mobile home or travel trailer			
	a. Mobile Home	2	Lot, plot, tract	
	b. Travel Trailer	1	Lot, plot, tract	
9.	Private Dormitory	1	Unit designed for two occupants	
10.	Bed and breakfast	1	Guest room in addition to those required for principal residence	

B. 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 2500 sq. ft. (Day Care Only)
8.	Nursing Home	1	Six beds	Minimum of 10 spaces for first 300 sq. ft.
9.	Hospital	1½	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	

C. RECREATION, 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	

D. 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	

E. 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 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 3 spaces for first 200 sq. ft. plus 6 additional stacking spaces

F. 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 work stations	6 for the first 1000 sq. ft.
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*For purposes of this ordinance a call center shall be defined as an area to be used by an employee whose sole job description includes telemarketing, collections and/or customer service where office requirements are limited to a computer and a telephone.

G. 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	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

H. 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 1000 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 1000 sq. ft.
		1	700 sq. ft. over 10,001	
5.	Mini-warehouse	1	20 storage stalls or lockers 250 sq. ft. for manager's	

1 quarters

I. REQUIRED DISABLED PARKING		
RESIDENTIAL USES		
	Required Number of Disabled Parking Spaces	Required For Each*
Residential Uses (Apartment complexes)	1	1-20 required parking spaces
	2	21-99 required parking spaces
	3	100-199 required parking spaces
	2	Additional 100 required parking spaces, with a maximum of 15 disabled spaces being required

ALL NONRESIDENTIAL USES

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.

SECTION 2

That Section 16-13 titled "Outdoor Displays" be added as follows:

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:

1. Items stored on a permanent basis outside shall be screened from the general public by any of the following:
 - A. a covered structure with walls made of materials that are compatible with that of the structure;
 - B. an approved sight-proof fence having a minimum height of six (6) from a grade maximum of eight (8) 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.
2. 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 Subsection 1 above and 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:
 - A. An area equal to or less than twenty (20%) per cent of the total interior floor display area of the adjacent sales building may be used for outdoor display, sale or storage.
 - B. 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.
 - C. Nothing in this article 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 a longer time than three hours. Every merchant or owner of a building fronting on any street shall be required to maintain a minimum of thirty-two (32) inch clearance from the outside edge of the sidewalk (not including stairs).
 - D. 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.
 - E. Outdoor display, sale or storage areas shall be maintained in a neat and orderly manner and shall comply with all other applicable City ordinances.
 - F. The provisions of Subsection B above for temporary display, storage and sales shall apply to temporary vendors only.
 - G. Elevated display platforms shall not be permitted.

3. 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:

- A. The sale, lease or service of automobiles, trucks, boats, motorcycles, motor homes and travel trailers, trailers, airplanes and recreational vehicles;
- B. The sale or rental of construction equipment and farm equipment;
- C. Christmas tree sales;
- D. Nursery plants and seasonal lawn/garden supplies;
- E. Building supplies; and
- F. First Monday vendors in FMB-zoned districts during First Monday show dates.

4. 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.

- A. 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.
- B. Special sales, going-out-of-business sales and other special events shall be permitted with a temporary permit issued from the Building Inspector, if such permit is requested in writing at least thirty (30) days prior to the sale or special event.

5. Compliance Required

- A. 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).
- B. A Certificate of Occupancy shall be withheld until compliance with all applicable screening requirements is obtained.

SECTION 3

That Section 16-14 titled Recreational Vehicle Regulations shall be added as follows:

1. Purpose.

The purpose of this section is to establish clear and well-defined regulations pertaining to the use and parking of recreational vehicles.

2. Definitions.

A portable home designed as a temporary dwelling for travel and recreational and vacation

uses. Such homes shall not exceed eight (8) feet in width, minus slideouts, and forty-six (46) feet in length and shall be classified as a recreational vehicle whether or not its wheels, rollers or skids or other rolling equipment have been removed and whether or not any addition thereto has been built on the ground and shall also include pick-up campers, converted buses, self-powered motor homes, tent trailers, tents and similar temporary portable housing and accessory buildings.

3. General Provisions

- A. It shall be unlawful for any person to use a recreational vehicle in any section of the City zoned Single Family Residential (R-1, R-2, R-3), Manufactured Housing District (R-4) and/or Multiple Family Residential 1 or 2 (MF-1, MF-2) as an on-site dwelling or living area.
- B. It shall be unlawful to park or place any recreational vehicle on any public street or roadway.
- C. Recreational vehicles may be used under the following exceptions:
 - 1) Recreational vehicles may be used as a temporary office or display units as approved by the Building Inspector after a written request;
 - 2) Recreational vehicles may be placed in locations where the Building Inspector has granted a request to temporarily locate a recreational vehicle(s) for temporary property damage, temporary construction or similar use. The request shall be in written form signed by the property owner requesting a specified period of time for the recreational vehicle to be present. It shall also address how utilities will be supplied to the recreational vehicle, if applicable. In addition to the request, there shall be a site plan provided showing the proposed location of the recreational vehicle(s) and any other structures on the property.
 - 3) In any event, a recreational vehicle shall not be stored on vacant lots unless the owner lives in a house on one of the adjoining lots.

SECTION 4

That under Sections 6.4, 7.4, 7A.4, 8.4, 8A.4 and 10.4, titled "Special Regulations," the following language be added:

"See Section 16.14 regarding Recreational Vehicle Regulations."

SECTION 5 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 6. 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 7. 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.

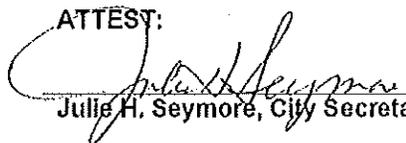
SECTION 8. EFFECTIVE DATE

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 17th day of April, 2007, to attest which we hereunto set our hands and seal.



R. C. ANDERSON, Mayor

ATTEST:


Julie H. Seymore, City Secretary