

ORDINANCE NO. 2008 - 28

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, GRANTING A SPECIFIC USE PERMIT FOR GENERAL BUSINESS DISTRICT (B-2) TO ALLOW CONSTRUCTION OF A COMMUNICATIONS TOWER FOR BROADBAND INTERNET USE AT 14786 FM 859, CANTON, TEXAS; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning 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 special use permit should be granted and that the Zoning Ordinance should be amended:

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

SECTION 1. That the Zoning Ordinance of the City of Canton, Texas, as heretofore amended, be, and the same is hereby amended by granting a specific use permit for the construction of a communications tower to be used for broadband internet service on the property described as 14786 FM 859, Canton, Texas, which is currently zoned General Business District (B-2).

SECTION 2. That the property described may be used only for the purposes and under the special conditions as follows:

- a. that the tower be protected with a fence or other climb guard between six and eight feet tall;
- b. that the tower be no more than the seventy feet requested; and
- c. that the tower be limited to broadband internet use, as requested by the applicant.

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That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

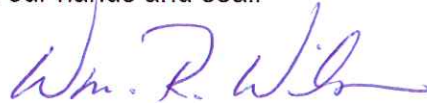
SECTION 5. SEVERABILITY CLAUSE

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

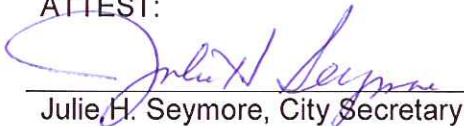
That this ordinance shall take effect immediately from and after its passage and the publication of the chapter as the law in such cases provide.

PASSED by a majority vote of the City Council of Canton, Texas, on this the 21st day of October, 2008, to attest which we hereunto set our hands and seal.



William R. Wilson, Mayor

ATTEST:



Julie H. Seymore, City Secretary