

ORDINANCE NO. 2009-12

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED; ESTABLISHING THE ALLOWANCE OF A PRIVATE CLUB BY SPECIFIC USE PERMIT IN B-2 AND PLANNED DEVELOPMENT ZONING DISTRICTS; ESTABLISHING REGULATIONS FOR RESTAURANT-HOTEL PRIVATE CLUBS; 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 notice by publication; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds the 1985 Zoning Ordinance should be amended;

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

SECTION 1. AMENDMENT

That ARTICLE 15 SPECIAL PROVISIONS, Sec. 15-15 Specific Use Permits, 1.3 Specific Uses by Zoning Districts be amended to read as follows:

- PLANNED DEVELOPMENTS (PD)
a. Private Clubs

SECTION 2. REGULATIONS

That Section 15-16 titled "Restaurant-Hotel Private Clubs" is added as follows:

15-16.1 RESTAURANT-HOTEL PRIVATE CLUBS

In addition to the requirements applicable to restaurant-hotel private clubs within the districts where such are permitted, the following requirements and regulations shall be complied with:

- A. A restaurant-hotel private club shall be permitted with a specific use permit only in areas zoned B-2 or in Planned Developments.
- B. A restaurant-hotel private club shall not be permitted within one thousand (1,000) feet from the property line of an existing school or within three hundred (300) feet from the property line on which there is a church, day care facility or hospital.

15-16.2 PERMIT FEE

After all reasonable rules and regulations are met, a license must be obtained from the City of Canton for each separate place of business at a cost equal to fifty percent of the annual fees stipulated in Chapter 32 of the Texas Alcoholic Beverage Code. The fee shall be computed at the election of the permittee by using one of the following methods:

- A. A fee based on the highest number of members in good standing during the year for which the permit fee is paid according to the following rates:

<u>Number of Members</u>	<u>TABC Fee</u>	<u>City Fee</u>
0 to 250 members	\$750	\$375
251 to 450 members	\$1,350	\$675
451 to 650 members	\$1,950	\$975
651 to 850 members	\$2,550	\$1,275
851 to 1,000 members	\$3,000	\$1,500
Over 1,000 members	\$3 per member, or	\$1.50 per member, or

- B. A fee for an original private club registration city permit of \$1,750, with a fee for the first renewal of a private club registration city permit of \$1,375, and a fee for the second and each subsequent renewal of a private club registration city permit of \$1,000.
- C. A permit holder who has elected to restrict the holder's authorized activities under the permit under Section 32.01, Section 32.01(2)(b) of the Texas Alcoholic Beverage Code shall pay an original city permit fee of \$750 and an annual city renewal fee of \$750.
- D. For a permittee who holds a valid permit on the effective date of this ordinance and who elects to pay a permit fee as provided in Subsection (B)(2) of the Alcoholic Beverage Code, Ch. 32, the city permit fee for renewal of that permit is: \$1,375 for the first annual renewal since the original permit was issued; and \$1,000 for a renewal subsequent to the first annual renewal.

The license is renewable every twelve (12) months upon the date of first issuance.

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

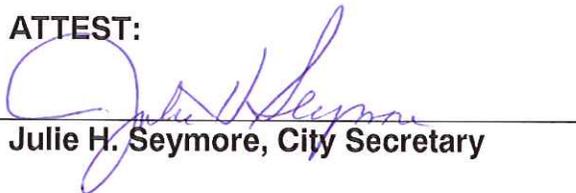
The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties, and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas prior to its effective date. Following the publication, 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 March, 2009, to attest which we hereunto set our hands and seal.



WILLIAM R. WILSON, Mayor

ATTEST:



Julie H. Seymore, City Secretary