

**ORDINANCE NO. 2009 - 34**

**AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, BY INCLUDING BUSINESSES THAT DERIVE 75% OR MORE OF GROSS REVENUES FROM THE ON-PREMISE SALE OF ALCOHOLIC BEVERAGES AS A PERMITTED USE IN B-2 DISTRICTS; BY AMENDING SPECIAL REGULATIONS IN FMB, B-1, B-2, AND GI-1 DISTRICTS TO REFERENCE THE REQUIREMENT FOR A CITY PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES; 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 & Zoning Commission of the City of Canton and the Canton City Council, in compliance with the laws of the State of Texas with reference to granting of zoning classifications and changes, have given the requisite notice by publication and held the requisite hearings; and

**WHEREAS**, the City Council of the City of Canton has determined an amendment to the 1985 Zoning Ordinance is necessary in order to protect public health, safety and welfare;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Canton, Texas:

**SECTION 1: AMENDMENTS**

That the following shall be added to ARTICLE 12 GENERAL BUSINESS DISTRICTS (B-2), Section 12-2. PERMITTED USES:

1. Uses permitted by right.

- a. Retail-commercial sales and services;

(13) TABC-permitted businesses that derive 75% or more of gross revenues from the on-premise sale of alcoholic beverages

That the following shall be added to ARTICLE 11 LOCAL BUSINESS DISTRICT (B-1), Section 11-4. SPECIAL REGULATIONS; ARTICLE 12 GENERAL BUSINESS DISTRICT (B-2), Section 12-4. SPECIAL REGULATIONS; ARTICLE 13 FIRST MONDAY BUSINESS DISTRICT (FMB), Section 13-4. OTHER REGULATIONS; and ARTICLE 14 GENERAL INDUSTRIAL DISTRICT (GI-1), Section 14-4. SPECIAL REGULATIONS:

A City Alcoholic Beverage Sales Permit is required for the sale of alcoholic beverages. (See Ordinance No. 2009-35)

**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 hundred dollars (\$200.00) for each offense. Each and every day the offense continues shall be deemed to constitute a separate offense.

In addition to and 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 herewith be and the same are hereby repealed to the extent of such conflict.

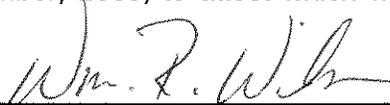
**SECTION 4. SEVERABILITY CLAUSE**

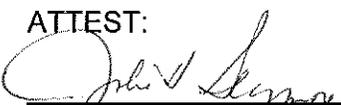
If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word or provision 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 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 of the City Council of Canton, Texas, on this the 17<sup>th</sup> day of November, 2009, to attest which we hereunto set our hands and seal.

  
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William R. Wilson, Mayor

ATTEST:  
  
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Julie H. Seymore, City Secretary