

ORDINANCE NO. 2010-25

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, PROVIDING FOR AND REGULATING THE CONSTRUCTION AND USE OF MONUMENTS, STATUES AND OTHER SIMILAR LANDSCAPE FEATURES WITHIN THE CITY LIMITS BY RIGHT AND BY SPECIFIC USE PERMIT; 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 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 the following language shall be added to Section 15:

Section 15-13B

MONUMENTS, STATUES AND OTHER SIMILAR LANDSCAPE FEATURES

In B-1, B-2, RPO, GI-I, RA and FMB zoning districts, plus in a park, church or school located in a residentially-zoned district, a monument, statue and/or other similar landscape feature may be erected, placed or maintained behind the required setbacks for the individual zoning district, provided it does not exceed the maximum height limits for a principal structure and complies with all other requirements for each zoning district.

For a monument, statue and/or other similar landscape feature which would exceed the maximum height limit for a principal structure and would not comply with the requirements for that zoning district, a specific use permit may be requested.

1. Definitions:

- a. Monument shall be defined as a structure built for commemorative or symbolic reasons, or as a memorial;
- b. Statue shall be defined as a three-dimensional work of art, usually of a person or animal, usually created by sculpting, carving, molding or casting.
- c. Temporary lighting shall be defined as lighting for a special occasion that shall be allowed for a period not to exceed ninety days.

2. Setbacks:

- a. All monuments, statues and/or other similar landscape features, guide anchors, and accessory equipment must be located within the buildable area of the lot:

guide anchors	ten (10) feet from property line
buildings and accessory equipment	twenty-five (25) feet from front property line; eight (8) feet from side property line; and ten (10) feet from rear property line

- b. All monuments, statues and/or other similar landscape features must be wholly-contained within the owner's property so that, if it fell, it would not fall onto an adjoining property.

3. Aesthetics – Monuments and statues, as well as the screening materials around equipment buildings, etc. shall be kept and maintained and shall be free of overgrowth of weed and grass, etc.

4. Content: The City of Canton does not regulate the content of monuments and statues; however, no sign monument, statue or similar landscape feature shall be allowed which contains slanderous, obscene language, pictures or messages, or inflammatory language or images.

5. Lighting and Structural Integrity

- a. All monuments, statues and/or other similar landscape features built must comply with the lighting restrictions of the FAA, conform to ASCE-7 and to all applicable building requirements, and be designed by a registered professional engineer.

- b. Monuments, statues and/or other similar landscape features may be floodlighted when the following conditions are met:

- (i) Floodlight luminaries are equipped with shields and are located so as to limit the luminaries' illumination to the object being lit;
- (ii) The configuration of the floodlight installation shall block all view of the luminaries' light source (lamp) for adjacent properties;

- (iii) The maximum luminance of any floodlighted surfaces does not exceed the footcandles recommended in the Illuminating Engineering Society of North America Light Handbook for floodlighting surfaces;
- (iv) Temporary lighting that conforms to the requirements of this chapter shall be allowed.

6. Other Regulations:

- a. All commercial signs, flags, lights, and attachments other than those required for structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) shall be prohibited on any monument, statue or other similar landscape structure.
- b. All publicly-owned monuments, statues and/or other similar landscape features shall be permitted in any district if they comply with the requirements for principal structures in that zoning.
- c. Any monument, statue or other similar landscape sculpture which could reasonably expect to have tourists or onlookers, or which is located in an area which could be used as a gathering place, must comply with the parking standards as defined in this city's zoning ordinance (Section 16-11).

7. Building Permit

- a. A building permit is required for any monument, statue or similar landscape feature. All construction work is subject to City code enforcement.

8. Specific Use Permit

- a. A specific use permit may be granted to erect or install a monument, statue and/or other similar landscape structure which would exceed the maximum height requirement for a principal structure in that particular zoning district in the following zoned areas: RA, B-1, B-2, RPO, FMB, G1-1. A specific use permit may be granted to erect or install a monument, statue and/or other similar landscape structure in at park, school or church in any residentially-zoned area.
- b. All specific use permits issued for monuments, statues and/or other similar landscape features shall be conditioned that the permittee or his assigns be in compliance with the Comprehensive Zoning Ordinance, Ordinance No. 85-10, as amended, and all other applicable City ordinances. The City may also provide other conditions and restrictions which the City Council determines, at the time of granting the specific use permit, are necessary to protect and provide for the health, safety and general welfare of the community. After a hearing and an opportunity for the permittee or his assigns to be heard, the City Council may cancel, revoke or suspend a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of the granting of the permit are not met or thereafter cease to exist.

c. Application Requirements:

- (1) Site and landscape plans to scale.

- (2) A report including a description of the monument, statue and/or other similar landscape feature with technical reasons for its design.
- (3) Engineering plans showing the structural integrity of the monument, statue and/or other similar landscape feature.
- (4) Proof of ownership of the proposed site or authorization to utilize it.
- (5) Compliance with City Ordinance No. 99-02 (Canton Hackney Airport Hazard Zoning).
- (6) Compliance with all other regulations for the zoning district in which the monument, statue and/or other similar landscape feature is to be erected.
- (7) All monuments, statues and/or other similar landscape features shall comply with the pertinent requirements of the building codes of the City.
- (8) All monuments, statues and/or other similar landscape features shall have a minimum clearance of eight feet vertically and eight feet horizontally from any transmission line carrying 50 volts or greater.
- (9) Copies of any easements, if necessary.

SECTION 2. That Section 15-15 SPECIFIC USE PERMITS be amended to include:

Section 1.3 Specific Uses by Zoning District

Agricultural District (RA)	25. Monument, statue and/or other similar landscape feature
Single Family Detached Residential (R-1), (R-2), (R-3) Multiple Family Residential (MF-1) Mobile Home Park District (MH-1) Manufactured Housing District (R-4)	23. Monument, statue and/or other similar landscape feature in a public park, school or church only
Local Business District (B-1)	35. Monument, statue and/or other similar landscape feature
General Business District (B-2)	27. Monument, statue and/or other similar landscape feature
Restricted Professional and Office (RPO)	23. Monument, statue and/or other similar landscape feature
General Industrial District (GI-1)	23. Monument, statue and/or other similar landscape feature

**First Monday Business (FMB-1),
(FMB-2)**

2. Monument, statue and/or other similar landscape
feature

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 CONFLICT ORDINANCES

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

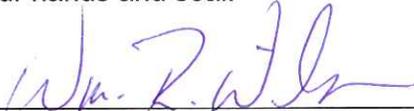
SECTION 5. SEVERABILITY CLAUSE

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 affect 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

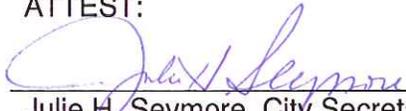
The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties and effective date of this ordinance to be published in a newspaper having general circulation in the City of Canton, Texas, prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

PASSED by a majority vote of the City Council of Canton, Texas, on this the 16th day of November, 2010, to attest which we hereunto set our hands and seal.



William R. Wilson, Mayor

ATTEST:



Julie H. Seymore, City Secretary