

**ORDINANCE NO. 2013-01**

**AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, TO ALLOW RESIDENTIAL AND/OR APARTMENT DWELLINGS ON THE UPPER LEVELS OF BUILDINGS IN THE CENTRAL BUSINESS DISTRICT WITH GENERAL BUSINESS DISTRICT (B-2) ZONING BY SPECIFIC USE PERMIT ONLY; 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**

- A. That "ARTICLE 15 SPECIAL PROVISIONS, Sec. 15-15 Specific Use Permits, 1. Specific Uses by Zoning Districts" be amended to read as follows:

GENERAL BUSINESS DISTRICT (B-2)

26. Residential and/or apartment dwellings above the first floor in the Central Business District

- B. That Section 16-8 titled "LIVING UNITS IN ZONES OTHER THAN RESIDENTIAL" is amended as follows:

Dwelling units shall not be permitted in any commercial or industrial districts except above the first floor of General Business District (B-2) properties in the Central Business District by Specific Use Permit.

**SECTION 2. REGULATIONS**

Each residential and/or apartment dwelling is required to meet all current building and fire safety standards.

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That all ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed to the extent of such conflict.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

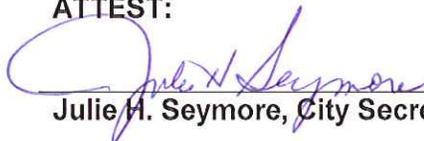
**SECTION 6. EFFECTIVE DATE**

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 15<sup>th</sup> day of January, 2013, to attest which we hereunto set our hands and seal.

  
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CARY S. HILLIARD, Mayor

ATTEST:

  
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Julie H. Seymore, City Secretary