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CITY OF CANTON
ZONING ORDINANCE

October, 1985

Prepared by the
East Texas Council of Governments

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Article 19. Sexually Oriented Businesses

ARTICLE 1. SHORT TITLE

Sec. 1.1. TITLE; MAP ADOPTED.

This ordinance shall be known as the "Zoning Ordinance for the City of Canton, Texas. "The map herein referred to is identified by the title, "Zoning Map of the City of Canton, Texas," and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

ARTICLE 2. PURPOSE

Sec. 2.1. STATED.

- I. Basic goal It is the intent of this ordinance to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the citizens of the City of Canton, Texas.
- II. Objectives. To achieve this end, these regulations are prepared in accordance with and for the promotion of the goals and objectives of the Comprehensive Development Plan, and are designed to (a) conserve the value of land, buildings, and resources; (b) protect the character and maintain the stability of residential, commercial, and industrial area; and (c) provide for the efficiency and economy in the process of development through the:
 - A. Preservation, protection, development, and conservation of the natural resources of land, water, and air;
 - B. Appropriate use of land;
 - C. Regulating of the use and occupancy of buildings, land and
 - D. Healthful and convenient distribution of population;

- E. Convenience of traffic and circulation of people and goods;
- F. Adequacy of public utilities and facilities;
- G. Promotion of the civic amenities of beauty and visual interest;
- H. Protection, enhancement, and perpetuation of specific community areas with special character, interest, or value which represents and reflects elements of the City's cultural, social, economic, political, historical and architectural heritage;
- I. Establishment of zoning districts which will regulate the location and use of buildings and other structures, water and land for trade, industry, residence and other purposes by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other spaces, and the density of use.

III. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular use.

ARTICLE 3. DEFINITION

Sec. 3.1. RULES FOR CONSTRUCTION OF LANGUAGE

- I. For the purpose of the administration and enforcement of this ordinance, and unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:
 - A. In case of any difference of meaning or implications between the text of this ordinance and any caption, illustration, summary table or illustrative table, the text shall control.
 - B. The word "SHALL" is always mandatory and not discretionary.
 - C. The word "MAY" is permissive.
 - D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - E. The phrase "USED FOR" includes "ARRANGED FOR," "DESIGNED FOR," "MAINTAINED FOR," "PROVIDED FOR," or "OCCUPIED FOR."
 - F. The word "PERSON" includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
 - G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "AND," "OR," or "EITHER... OR," the conjunction shall be interpreted as follows:
 1. "AND" indicates that all the connected items, conditions, provisions or events shall apply;

2. "OR" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;
3. "EITHER...OR" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

H. The word "INCLUDES" shall not limit a term to the specified examples, but is intended to extend its meaning to all instances or circumstances of like kind or character.

Sec. 3.2: GENERAL DEFINITIONS

For purposes of this ordinance, the following terms or words shall be used in interpretation of the purpose and intent:

1. ACCESS: The primary means of ingress and egress to abutting property from a dedicated right-of-way.
2. BLOCK FACE: The portion of a block with a continuous frontage between two intersecting streets.
3. BUILDABLE AREA: That portion of a lot remaining after the required setbacks have been provided.
4. BUILDING: Any structure, built for the support, shelter and enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter.
 - a. ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of the principal building on the same lot.
 - b. PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot in which it is situated. In a residence district any dwelling shall be deemed to be the principal building

on the lot on which the same is situated. An attached carport shed, garage, or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of any accessory building.

- c. PERMANENT BUILDING: A building which is not equipped with wheels, or provisions for attachment for wheels, or skids for easy movement but is on pier and beam, concrete foundation or similar foundation.
 - d. TEMPORARY BUILDING: A building which is equipped with wheels, or provisions for attachment for wheels, or skids for easy movement, but does not include mobile homes, travel trailers, or recreational vehicles. A temporary building shall be an accessory building as that is defined by this Ordinance.
5. BUILDING LINE: The lines established by yard or setback requirements outside of which no principal building may be erected.
 6. CENTERLINE: The line midway between the street right-of-way lines or the surveyed and prescribed centerline established by the Texas Department of Highways and Public Transportation or City Engineer which might or might not be the line midway between the existing or proposed street right-of-way lines.
 7. COURT, GENERAL: An open space, other than a yard, on the same lot with a building or structure, which is bounded on two (2) or more sides by the walls of such building or structure.

- a. OUTER COURT: A court enclosed on three (3) sides by exterior walls of a building or structure, or by exterior walls and lot lines of which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.
 - b. INNER COURT: A court which is completely surrounded by a building or buildings.
8. DENSITY: An existing or protected relationship between allowable lot area per dwelling unit for a district and the land area zoned in each zoning district.
- a. GROSS DENSITY: The determination of the number of dwelling units by dividing the total land zoned in each district by allowable lot area for that district.
 - b. NET DENSITY: The determination of the number of dwelling units by dividing that total land area zoned in each zoning district that is devoted only to residential uses by the allowable lot area for that district.
9. FAMILY: One (1) or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.
10. FRONTAGE: Distance measured along an abutting public street right-of-way.
11. GARAGE SALES: An activity conducted by an individual on their residential property for the purpose of selling their personal property. Such sales shall not be conducted longer than ninety-six (96) hours.

12. GROSS LEASABLE FLOOR AREA (G.L.A.): The sum of the horizontal area of the floors of a building or buildings, measured from the exterior faces of exterior walls. In particular, floor area includes: attic space providing structural headroom of seven (7) feet or more; floor space of interior balconies or mezzanines; any other usable floor space for any purpose, no matter where located within a building, including accessory structures.
13. HOME OCCUPATION: Any occupation or profession engaged in by the occupants of a dwelling not including any occupation which is not clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within the principal building or accessory building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than one (1) square foot in area and no exterior identification of the home occupation or variation from the residential character of the principal building or accessory building; and in connection with which no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare and no partnership or the employment of more than two assistant in the performance of such business. Home occupations shall include professional, personal, retail and business services. No other occupation or business shall obtain a Home Occupation Permit from the City of Canton which will be in compliance with the criteria stated in ~~Section 16.7.~~
14. LOT: A piece, parcel, tract or plot of land.
- a. LOT AREA: The total horizontal area included within lot lines.

- b. LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- c. LOT DEPTH: The mean horizontal distance between the front and rear lot lines.
- d. LOT LINE: The boundary line of a lot.
 - 1) FRONT: That property line which abuts on a public street, or in the event the property abuts on two (2) or more streets it shall mean that property line abutting on a street which has been so designated by the owner at the time of his application for a building permit.
 - 2) SIDE: Any property line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - 3) REAR: That boundary of a lot which is most distance from and is, or is most nearly, parallel to the front lot line.
- e. LOT OF RECORD: A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this ordinance.
- f. LOT, CORNER: Lot bounded by more than one (1) intersecting street.
- g. LOT WIDTH: The mean horizontal distance between the side lot lines measured at the required from property line.
- 15. NONCONFORMING BUILDING OR STRUCTURE: A building or structure existing at the time of passage of this Ordinance or amendment, thereto, which does not conform to the property development regulations of

- area, height, lot coverage, yard setbacks, or other like requirements of the district in which it is located.
16. NONCONFORMING LOT: Any single lot, tract or parcel of land in existence at the time of passage or amendment of this ordinance which does not meet the minimum dimensions, area or other regulations of the district in which it is located.
 17. NONCONFORMING USE: Any land use existing at the time of passage or amendment of this Ordinance which does not conform to the provisions, requirements and regulations of the district in which it is located.
 18. PARKING SPACE: An area of not less than one hundred sixty-two (162) square feet, exclusive of driveways and aisles, and adjacent to a driveway or aisle, with the minimum dimensions of nine (9) feet by eighteen (18) feet, designed so as to be used for the parking of a motor vehicle.
 19. PROPERTY LINE: See LOT LINE.
 20. PUBLIC BODY: Any government or governmental agency, board, commission, or authority of the City of Canton, Van Zandt County, State of Texas, or the U. S. Government or any legally constituted district.
 21. PUBLIC USE: The use of any land, water, or buildings by a public body for a public service or purpose.
 22. RECREATION VEHICLES: Any vehicle designed and intended for recreational purposes, and shall include motor-homes, travel trailers, camper vans, pick-up campers, tent trailers or any other similar vehicles with or without motorized power, designed and constructed to travel on public thoroughfares, being either of a gross weight of not more than 7,500 pounds or an overall length of not more than twenty-

23. RIGHT-OF-WAY: A strip of land or water acquired, dedicated or deeded to the perpetual use of the public
24. SEMI-PUBLIC BODY: Includes churches and organizations operating as a non-profit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations and cultural activity groups.
25. SEMI-PUBLIC USE: The use of any land, water or building by a semi-public body
- 25A. SEIBACK MEASUREMENTS: Shall be measured from the slab of any covered portion of the structure. - *added by amendment 9/18/01*
26. SPECIAL EXCEPTION: A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to neighborhood, and approved through a public hearing of the Board of Adjustment would protect the public health, safety, welfare, moral order, comfort, convenience, appearance or prosperity
Such uses may be permitted in such zoning districts as special exception as outlined in the applicable zoning districts
27. STREET: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, place or however otherwise designated but does not include driveways to buildings.
- a. ALLEY: A public or private right-of-way, not more than thirty (30) feet in width, which affords a secondary means of public or private access to property abutting thereon
28. STREET RIGHT-OF-WAY: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way is known, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way line

29. STRUCTURAL ALTERATION: Any change except for repair or replacement in the supporting members of a structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls of a structure.
30. STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on ground, and having a height of four (4) inches or more except for patios, parking and loading facilities, walls or fences.
- a. ACCESSORY STRUCTURE: A structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.
31. TRAVEL TRAILER: See RECREATION VEHICLE.
32. USABLE OPEN SPACE: That part of the ground area (improved or unimproved), roof, balcony, or porch which is designed or intended for outdoor living, recreation or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking and loading areas or any other paved vehicular ways and facilities as well as all required minimum front yard areas.
33. USE: Any activity, functions, or purpose to which a parcel of land or building is put and shall include the words used, arranged, or occupied, for any purpose, including all residential, commercial business, industrial, public or any other use.
- a. ACCESSORY USE: A use which is wholly incidental to and supportive of the principal use on the same lot.
- b. PRINCIPAL USE: The primary purpose for which land or building is used as permitted by the applicable zoning district.

34. VARIANCE: A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owning the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
35. VEHICLE: Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.
36. YARD: The open space existing on the same lot with a principal building; unoccupied and unobstructed by buildings from the ground upward, between the lot line and the building line.
- a. FRONT YARD: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building.
 - b. REAR YARD: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the front yard.
 - c. SIDE YARD: A yard extending from the front yard to the rear yard and being the minimum horizontal distance from the side lot line to the principal building.
 - d. SIDE YARD, STREET: A yard adjacent to a street between the front and the rear lot line and being the minimum horizontal distance from the side lot line to the principal building.

37. ZONING DISTRICT: A portion of the territory of the City of Canton, Texas, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.
38. ZONING MAP: The term zoning map shall mean the Official Zoning Ordinance of the City of Canton, Texas, (this ordinance), including the zoning map and all amendments to such zoning ordinance and zoning map.

Sec. 3.3. USE DEFINITIONS

For purposes of this ordinance, the following use terms or words shall be used in interpretation of the purpose and intent:

1. APARTMENT: See DWELLING, MULTIPLE FAMILY.
2. AUTOMOBILE DEALERS: An establishment used for the selling or trading of new or used vehicles and where major automotive repairs may occur including the storage of automotive parts. However, the storage of wrecked vehicles over sixty (60) days shall be prohibited.
3. AUTOMOTIVE REPAIR FACILITY (MAJOR): An establishment used for mechanical engine overhaul which includes the removal of engine, chassis, or body components for repair or replacement; and wherein the dispensing of gasoline may be included but no gasoline service stations. Body and paint shops shall also be considered major automotive repair facilities.
4. AUTOMOTIVE REPAIR FACILITY (MINOR): An establishment used for servicing of automotive vehicles which includes activities such as oil changes, lubrication, dispensing of gasoline, tune-up, tire replacement and repair, and wheel alignment and balancing, but not overhaul,

body or paint shops. Brake and transmission shops and gasoline service stations shall also be considered minor automotive repair facilities.

5. BOARDING HOUSE: An establishment with lodging for four (4) or more persons, where meals with or without compensation are regularly prepared and served to such lodgers, without service or ordering of individual portions from a menu.
6. BUSINESS SERVICE ESTABLISHMENT: Shall mean establishments providing supplies and services to business and professions and shall include copy service, blue printing service, typing service, telephone answering service, office supply and stationery stores, delivery and messenger services, advertising agencies, direct mail service, detective agencies, employment agencies, collection agencies, and any other establishments offering goods or services of a similar nature, but not including establishments of research or light industrial nature.
7. CHILD DAY CARE CENTER: A place, home, building or location where care is provided for six (6) or more children under the age of seventeen (17) years. Such term specifically includes nursery schools, kindergartens or any other facility caring for children during the day or night.
8. CLINICS: A medical office or group of offices, used for the care, diagnosis and treatment of sick, infirm and injured persons, and those in need of medical or surgical attention, but not involving overnight care on the premises. Clinics may include accessory facilities for retail sales of pharmaceuticals, and medical, optical or dental supplies.

9. CONTRACTOR SHOPS AND YARDS: Shall mean stores, fabrication and repair shops and yards for cabinet makers and carpenters, electrical contractors, electric sign contractors, glaziers, heating and sheet metal contractors, linoleum and carpet contractors, painters, plumbers, roofers, tent and awning contractors, upholsterers, and any other concern of a similar nature, but not including concrete mixing or asphalt plants.
10. DRY GOOD STORES: Shall mean establishments selling clothing, linens, blankets, yardage and notions and shall include: shoe repair stores, gift stores, notions stores, luggage stores, tailor shops, yardage stores, shoe stores, clothing stores, and other stores of a similar nature, but excluding variety stores, and department stores.
11. DWELLING UNIT: A "dwelling unit" consists of one (1) or more rooms which are arranged, designed or used as living quarters, including permanently installed individual bathrooms and complete kitchen facilities.
- a. DWELLING, SINGLE FAMILY ATTACHED (DUPLEX): A structure designed as one (1) dwelling unit at ground space and intended to be occupied exclusively by one (1) family and structurally connected by common walls or with separation of not more than one (1) inch from at least one (1) or more other dwelling units.
 - b. DWELLING, SINGLE FAMILY DETACHED: A structure designed as one (1) dwelling unit and intended to be occupied exclusively by one (1) family and structurally connected to no other dwelling unit.
 - c. DWELLING, MULTIPLE FAMILY: A structure designed with more than one (1) dwelling unit with accommodations for each dwelling unit

independent of each other and intended to be occupied by more than one (1) family.

12. EATING ESTABLISHMENTS: Shall mean establishments where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises, and shall include: restaurants, cafes, coffee shops, donut shops, ice cream parlors, soda fountains, hamburger and hot dog stands, sandwich shops, delicatessens, cafeterias and other stores of similar nature. The term eating establishment shall not include a drive-in restaurant unless so stated.

a. RESTAURANTS, CONVENTIONAL: Counter stools, consisting of tables and/or booths, with the number of counter stools not exceeding the number of tables and/or booths seats; with all service indoors; and providing no service to persons in vehicles, or at walk-up windows and shall include restaurants, cafeterias and other stores of a similar nature.

b. RESTAURANTS, IN AND OUT SERVICE: Specializing in short-order foods and beverages including the preparation of food to be taken out and consumed off the premises; may be a total counter stool operation or with any combination of counter stools and/or tables or booths; and no service provided to persons in vehicles. Establishments dispensing food from service windows for consumption either on the premises or off the premises are classified as "in and out service". Such establishments shall include cafes, coffee shops, donut shops, ice cream parlors, soda fountains, delicatessens, and other establishments of a similar nature.

- c. RESTAURANTS, DRIVE-INS: Any restaurant serving food and/or beverages to persons in their vehicle or consumption on the premises.
13. FARM IMPLEMENTS AND TRACTORS: Any self-propelled conveyance designed to be used in farming or ranching operations for insuring or cultivating the land.
14. FINANCIAL INSTITUTIONS: Shall mean establishments and offices offering financial services or counsel and shall include full service banks, saving and loan institutions, stock brokers offices, banking companies, finance company offices, credit union offices and any other institutions of a similar nature.
15. FOOD STORES: Shall mean establishments selling food and/or drink products for consumption off the premises and shall include: convenience grocery stores, fruit and vegetable stores, bakeries, retail (limited preparation of products for on-premises sales), meat and fish stores, dairy product stores, butcher shops, candy stores, liquor and/or wine stores and other stores of a similar nature but excluding supermarkets unless so stated.
16. FURNITURE AND APPLIANCE STORES: Shall mean stores selling new or used furniture or appliance and providing incidental service and maintenance and shall include new and used furniture stores, appliance stores, antique dealers, carpet and linoleum dealers, and other establishments of a similar nature.
17. GARAGE, PUBLIC: A building or other structure which provides parking or storage for motor vehicles, but not for commercial nor public utility vehicles or the dead storage of motor vehicles and some or all of which parking spaces are non-accessory. A public parking

garage may include accessory off-street parking spaces limited to such spaces which are accessory to other uses on the same lot.

18. HOTEL OR MOTEL: A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.
19. HOUSEHOLD AND FAMILY SERVICE ESTABLISHMENTS: Shall mean a store or shop providing for the selling, repairing and/or maintenance of articles of normal home or family use and shall include: cleaning and drying establishments, coin operated laundries, lawn mower and saw sharpening, fix-it shops, smaller home appliance stores and repair shops, sewing machine stores, hardware stores, camera and photo supply stores, pet stores excluding veterinarian services, art stores, music stores, pawn shops, florist and any other shops of a similar nature; provided, however, that establishments for the selling, repairing and/or maintenance of vehicles or tires shall not be deemed to be household and family service establishments.
20. JUNKYARD: An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires, bottle and vehicles.
21. LIVING UNIT: Shall have the same meaning as "DWELLING UNIT".
22. MOBILE HOME: A detached dwelling unit intended for occupancy by a single family suitable for year-round occupancy which is equipped

with wheels or has provisions for attachment with wheels, and arrives at the site complete and ready for occupancy except for minor incidental unpacking, assembly and connections to water, sewer and electricity.

a. MULTI-SECTION MOBILE HOME: A structure, transportable in two or more sections, which when placed on a site is a minimum of twenty-four (24) feet in width and a minimum of forty (40) feet in length and which is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. For purposes in these regulations, the term includes only those structures manufactured after June 15, 1976, and bearing a mobile home label of the U. S. Department of Housing and Urban Development.

b. SINGLE SECTION MOBILE HOME: A structure, transportable in one or more sections, which is twelve (12) body feet or more in width, and fifty-two (52) body feet or more in length, and which is built on a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. For purposes in these regulations, the term includes only those structures manufactured after June 15, 1976, and bearing a mobile home label of the U. S. Department of Housing and Urban Development.

23. MOBILE HOME SUBDIVISION: The division of a parcel of land into contiguous lots or parcels, designated by reference to the number or symbol of the lot or parcel contained in the plat of such

subdivisions, for the purpose of transfer of ownership and the subsequent placement of a mobile home on said lot or parcel for the establishment of a permanent residence.

24. MODULAR HOME: A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and is designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include a mobile home as defined in this ordinance, nor does it include building modules incorporating concrete or masonry as the primary structural component. For purposes in these regulations, the term includes only those structures manufactured after May 1, 1980, and bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards.
25. PERSONAL SERVICE ESTABLISHMENTS: Shall mean establishments and offices offering services for the health and welfare of the individual and shall include barber shops, beauty shops, reducing or slenderizing studios, steam or turkish baths, and any other establishment of a similar nature, but not including any professional services.
26. PROFESSIONAL SERVICES: Shall mean services offered by doctors, lawyers, accountants, real estate brokers, insurance agents, land developers, engineers, architects, planners, computer systems analysts and any other individuals or groups offering professional services of a similar nature.

27. RECREATIONAL AND SPORT STORES: Shall mean establishments selling sporting goods, bicycles, and other sports and recreational sporting goods, bicycles, and other sports and recreation equipment and shall include: sporting goods stores, ski sales stores, water diving equipment stores, gun shops, bicycle shops including bicycle repair, toy stores and any other stores selling goods of a similar nature, but excluding motorized recreation vehicle sales and services including cycle sales and services.
28. RESIDENCE: See DWELLING UNIT.
29. SALVAGE YARDS: See JUNKYARD.
30. SHOPPING CENTER: A group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking and loading provided on the property.
31. TOURIST HOME: A building or part thereof other than a hotel, motel, motor lodge or boarding house, where lodging accommodations are offered to the public and intended primarily for rental to transients with daily charge.
32. USED CAR LOTS: A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

ARTICLE 4
ZONING DISTRICTS

Sec 4-1 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate, and restrict the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use; and to promote the orderly urban growth with the corporate area of the City of Canton, Texas, the following zones are established:

- Agricultural District (RA)
- Single-Family Detached Residential District (R-1)
- Single-Family Detached Residential District (R-2)
- Single-Family Detached Residential District (R-3)
- Manufactured Housing District (R-4)
- Multiple-Family Residential District (MF-1)
- Mobile Home Park District (MH-1)
- Restricted Professional and Office District (RPO)
- Local Business District (B-1)
- General Business District (B-2)
- First Monday Business District (FMB)
- General Industrial District (GI-1)

Sec. 4-2 DESIGNATION OF DISTRICT BOUNDARIES

The boundaries of each district are designated and established as shown on the Zoning Map of the City of Canton, Texas. The regulation of this Ordinance governing the use of land and buildings, the height of buildings, lot areas, setbacks, lot coverage, parking and loading requirements are hereby included within the boundaries of each and every district shown upon the Zoning Map

Sec. 4-3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

When uncertainty exists as to the boundaries of the various districts on the Zoning Map, the follow rules shall apply:

1. Location of district boundary lines.

- a. Centerlines. Boundaries indicated as approximately following the centerlines of streets, highways, avenues, and alleys shall be construed to follow such lines.
- b. Lot lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Corporate boundaries. Boundaries indicated as approximately following corporate boundaries shall be construed as following such corporate boundaries.
- d. Surface water drainage lines. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
- e. Parallel lines. Boundaries that are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, shall be construed as being parallel thereto and at such distance therefrom as indicated by the scale shown on the Zoning Map.

2. Uncertainties.

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in case any other uncertainty exists, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of district boundaries.

3. Street abandonments.

Where a public road, street, avenue, or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, avenue, or alley.

4. Annexed areas.

All territory hereafter annexed to the City of Canton shall be temporarily classified as "RA", Agricultural District, until permanent zoning is established by the City Council of the City of Canton. The procedure for establishing permanent zoning of annexed territory shall conform to the procedure established by law.

5. Special provisions for lots divided by district boundaries.

Where any lot, existing at the effective date of this Ordinance is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off-street parking and loading, or other regulations apply, the provisions of this subsection shall apply.

a. Use regulations.

- 1) If more than fifty percent (50%) of the lot area of the lot is located in one of two (2) or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot.
- 2) If the lot is divided so that fifty percent (50%) of the lot area lies within each of two (2) or more districts, the applicable use regulations of the more restrictive district shall apply to the entire lot.

b. Dimensional requirement regulations.

- 1) If more than fifty percent (50%) of the lot area of the lot is located in one of two (2) or more districts, the dimensional requirement regulations applicable to the district containing the majority lot area shall apply to the entire lot.
- 2) In cases where the lot is divided so that fifty percent (50%) of the lot area lies within two (2) or more districts, the lot area, yard setback, height, lot coverage, and off-street parking and loading regulations and requirements for the district with the more restrictive regulations shall apply to the entire lot.

Sec. 4-4. APPLICATION OF DISTRICTS

1. Existing Uses. In all districts after the effective date of this Ordinance:

- a. The use of any existing building or other structure may be continued.
- b. The use of any existing tract of land may be continued.
- c. The enlargement, alteration, conversion, reconstruction, rehabilitation, or relocation of any existing building or other structure shall be in accordance with the dimensional requirements regulations of the district within which the property is located and other applicable requirements of this Ordinance.
- d. Every existing building hereafter enlarged, altered, reconstructed, or relocated shall be on a lot herein defined, and in no case shall there be more than one principal building on one lot, unless otherwise provided in this Ordinance.

2. New Uses.

a. In all districts after the effective date of this Ordinance, any new building or parcel of land shall be used, constructed, or developed only in accordance with the use and dimensional requirement regulations of the district within which the property is located and other applicable requirements of this Ordinance.

3. Uses not expressly provided for.

a. In a district where an application is made for a use not expressly permitted or prohibited, the Building Inspector, shall determine that use which is expressly prohibited or permitted most closely similar or allied to that use requested. In the event any applicant or citizen objects to a determination made by the Building Inspector, such person or persons may appeal their case to the Board of Adjustment.

ARTICLE 5
AGRICULTURAL DISTRICT (RA)

Sec. 5-1. PURPOSE

The intent of this district is to provide for areas of the city on the outer edge of urbanized development in which urban usage is usually premature due to the lack of adequate utility services or transportation systems. It is likely that this district will be changed to more intense urban zoning districts as utility services can be feasibly extended and the undeveloped areas within existing service limits are used up or become in short supply. Uses within this district are mostly related to farming or semi-urban functions and are not necessarily compatible with higher density residential development.

Sec. 5-2. PERMITTED USES

1. Uses permitted by right.

- a. Agricultural activities and structures incidental thereto, including dairy products, livestock, poultry products, field crops, truck crops, citrus groves, and horticultural specialties;
- b. Parks, including business operations franchised by city government and located on public owned park areas;
- c. Single family dwellings;
- d. Public schools and private schools offering curricula comparable to that of the public schools.

2. Accessory structures permitted.

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structures.

3. Uses permitted by special exception.
 - a. Government buildings and services;
 - b. Semi-public recreational facilities and services;
 - c. Golf courses;
 - d. Cemeteries and mausoleums (See Section 15-3);
 - e. Child day care centers (See Section 15-4);
 - f. Public and private utilities, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
 - g. Radio and television transmission towers (See Section 15-13).

Sec. 5-3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 5-4 where it applies, as well as the following requirements:

1. Residential uses.

| | | |
|----|---|-----------|
| a. | Minimum lot area | 5 acres |
| b. | Minimum lot width at building line | 150 feet |
| c. | Minimum yard setbacks | 25 feet |
| | 1. Front | 25 feet |
| | 2. Side, each | 25 feet |
| | 3. Rear | 25 feet |
| d. | Maximum building height of principal structures | 35 feet |
| e. | Maximum percent of lot coverage | 15 % |
| f. | Maximum overhang | 30 inches |
| | <i>- added by amendment 9/18/01</i> | |
2. Agricultural uses
 - a. No agricultural structures shall be closer than one hundred (100) feet to any residential structure

b. An agricultural structure shall not exceed forty-five (45) feet in height.

3. Accessory structures.

a. No accessory structure, excluding fences or walls shall be closer to any property line than the required yard setbacks.

b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 5-4. SPECIAL REGULATIONS

In addition to Section 5-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood Hazard areas (See Section 16-6).
3. Home Occupations (See Section 16-7);
4. Nonconforming uses (See Section 16-10);
5. Off-street parking and loading facilities (See Section 16-11);

SECTION 1: That Article 5-A titled Planned Development District (PD) be added as a supplement to read as follows:

ARTICLE 5-A

PLANNED DEVELOPMENT DISTRICT (PD)

SECTION 5-A-1 PURPOSE

The Planned Development District, "PD" prefix, is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings such as office commercial centers, industrial parks, residential developments with multiple or mixed housing types, and to permit new and innovative concepts in land utilization

After a public hearing has been convened and proper notice to all the affected property owners has been made in accordance with Article 18-5 of the Ordinance, and after a recommendation by the Planning and Zoning Commission has been submitted, the City Council may authorize the creation of a (PD) Planned Development District on:

- a. Residential developments on tracts of three (3) acres or more; or
- b. Mixed use developments on tracts of two (2) acres or more

SECTION 5-A-2 PERMITTED USES.

Any use shall be permitted if such use is specified in the ordinance granting a (PD) Planned Development District. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Ordinance.

SECTION 5-A-3 DEVELOPMENT REQUIREMENTS

- a. Development requirements for each separate (PD) district shall be set forth in the amending ordinance granting the (PD) district and may include, but not be limited to, uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, and other requirements as the City Council and the Planning and Zoning Commission may consider to be appropriate.
- b. All (PD) Planned Development Districts must have a sidewalk plan as a part of the granting ordinance.
- c. The following point system is established as a guide for those (PD) development districts that deviate from a standard density found in the Canton Zoning Ordinance. See Table 1.

TABLE 1.

10,000 sq. ft. **Base** Lot Density

1,000 points = 1,000 sq. ft. off Base Square Footage

4,000 sq. ft. **Minimum** Lot Density

Parks:

4% of total development = 750 points

6% of total development = 1500 points

8% of total development = 2000 points

Park Equipment:

Tennis Court = 500 points

Basketball Court = 500 points

Baseball and/or Soccer Field = 500 points

Home Upgrades:

40 sq ft covered front porch = 200 points

80 sq ft covered front porch = 500 points

Roof Pitch Over 6/12 Min. 3 Elevations = 100 points

Front Gables = 100 points

Landscaping Plan and One Hardwood Tree 4" Caliper or Larger = 150 points

Note: These deductions are per development phase, with a maximum of three (3) phases per (PD) qualifying for a deduction. This does not limit the phases in any given (PD)

Development Upgrades:

Mid-Block Mailbox Center = 100 points

Brick and/or Stone Main Entryway = 150 points

Example:

| | |
|---|-------------|
| 6% for Parks | 1500 |
| 2 Tennis Courts (500 each) | 1000 |
| 1 Basketball Court | 500 |
| 60 sq. ft. Front Porches in 3 phases (200 each) | <u>600</u> |
| Total | 3600 points |

10,000 sq. ft. base lot size
3,600 less deduction points
6,400 sq. ft. minimum lot size

- d. The (PD) Planned Development District shall conform to all other sections of the Ordinance unless specifically excluded in the granting ordinance
- e. In establishing a (PD) Planned Development District in accordance with this section, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each (PD) Planned Development District. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or a development plan (or a detailed site plan)

- 1 **Conceptual Plan.** This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed (PD) Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
- 2 A conceptual plan for residential land use shall show general use, thoroughfare and preliminary lot arrangements. For a residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of the buildings and the building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.
- 3 **Nonresidential Concept Plan.** A concept plan shall be submitted with any nonresidential (PD) zoning request, and shall clearly show pertinent aspects of the type and nature of the proposed development. The concept plan shall show the types of use(s) proposed, access, topography and boundaries of the (PD) area, existing physical features of the site, existing and proposed streets, alleys, easements and lot lines, location of existing or proposed public facilities, building heights and locations, parking areas and ratios, fire lanes, screening and landscaped areas, project phasing and scheduling, and other pertinent development data to adequately describe the proposed development.
- 4 A detailed site plan shall be submitted for approval (in accordance with Article 17 of this Ordinance) within one (1) year from the approval of the concept plan for all or some portion or phase of the planned development covered by the overall concept plan. If a detailed site plan is not submitted within one (1) year, then the concept plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the concept plan is no longer valid or that the proposed development is no longer viable, then a new concept plan (along with a zoning application to amend the (PD) ordinance and its

accompanying concept plan) must be submitted for review and approval prior to detailed site plan review/approval for any portion of the (PD) District.

- f Every structure must contain a minimum of 50% brick and/or stone on all exterior elevations

SECTION 5-A-4. APPROVAL PROCESS AND PROCEDURE

- a The procedure for establishing a (PD) Planned Development Zoning District shall follow the procedures for zoning amendments as set forth in Section 18-5 of this Ordinance. This procedure shall be expanded to include consideration and approval or denial of the concept plan and/or the detailed site plan or preliminary plat for a residential (PD), which is submitted along with the (PD) zoning request application. The public hearings conducted for, and the subsequent actions taken upon the (PD) zoning request shall also include the accompanying concept plan and/or detailed site plan/preliminary plat.
- b The ordinance establishing the (PD) Planned Development Zoning District shall not be approved or adopted until the accompanying concept plan and/or a detailed site plan and/or a preliminary plat is recommended by the Planning and Zoning Commission and approved by the City Council, and until all other procedural requirements set forth in Sections 17-5 and 18-5 are satisfied.
- c All Planned Development Zoning Districts (PD) approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning Map, and a list of such (PD) Planned Development District, showing the uses permitted and any other special stipulations of each (PD) district, shall be maintained as part of this Ordinance.

ARTICLE 6

SINGLE FAMILY DETACHED RESIDENTIAL (R-1)

Sec. 6-1. PURPOSE

The intent of this district is to provide for low density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage low density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

Sec. 6-2. PERMITTED USES

1. Uses permitted by right.

- a. Single family detached dwelling;
- b. Leasing or renting of rooms, however, the number of tenants in each dwelling shall not exceed two (2)
- c. Public schools or private schools offering curricula comparable to that of the public schools;
- d. Churches and other houses of worship (See Section 15-5).

2. Accessory structures permitted.

Garages, carports, storage rooms, swimming pools, and other struc-

- 3 Uses permitted by special exception.
 - a Cemeteries and mausoleums (See Section 15-3);
 - b Child day care centers (See Section 15-4);
 - c Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
 - d Governmental buildings and services;
 - e Semi-public recreational facilities and buildings.

Sec. 6-3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 6-4 where it applies, as well as to the following requirements:

- 1 Residential uses:

| | | |
|----|---|--------------------|
| a. | Minimum lot area | 10,000 square feet |
| b. | Minimum lot width at building line | 80 feet |
| c. | Minimum lot depth | 125 feet |
| d. | Minimum yard setbacks | |
| | 1 Front | 30 feet |
| | 2 Side, interior | 8 feet |
| | 3 Side, street | 15 feet |
| | 4 Rear | 20 feet |
| e. | Maximum building height of principal structures | 35 feet |
| f. | Maximum overhang | 30 inches |
| | <i>- added by amendment 9/18/01</i> | |
2. Accessory structures.
 - a. No accessory structure, excluding fences or walls shall be

closer to any side or rear property line than eight (8) feet or measured from the overhang of the accessory structure;

- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 6-4. SPECIAL REGULATIONS:

In addition to Section 6-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Home occupations (See Section 16-7);
4. Nonconforming uses (See Section 16-10);
5. Off-street parking and loading facilities (See Section 16-11);

ARTICLE 7

SINGLE FAMILY DETACHED RESIDENTIAL (R-2)

Sec. 7-1. PURPOSE

The intent of this district is to provide for medium density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage medium density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

Sec. 7-2. PERMITTED USES.

1. Uses permitted by right.

- a. Single family detached dwelling;
- b. Leasing or renting of rooms; however, the number of tenants in each dwelling shall not exceed two (2);
- c. Public schools or private schools offering curricula comparable to that of the public schools;
- d. Churches and other houses of worship (See Section 15-5).

2. Accessory structures permitted.

Garages, carports, storage rooms, swimming pools, and other struc-

- 3 Uses permitted by special exception.
 - a Child day care centers (See Section 15-4);
 - b Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
 - c Governmental buildings and services;
 - d Semi-public recreational facilities and buildings

Sec 7-3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 7-4 where it applies, as well as to the following requirements:

- 1 Residential uses:

| | | |
|---|---|-------------------|
| a | Minimum lot area | 7,500 square feet |
| b | Minimum lot width at building line | 75 feet |
| c | Minimum lot depth | 100 feet |
| d | Minimum yard setbacks | |
| | 1. Front | 25 feet |
| | 2. Side, interior | 8 feet |
| | 3. Side, street | 15 feet |
| | 4. Rear | 20 feet |
| d | Maximum building height of principal structures | 35 feet |
| e | Maximum overhang | 30 inches |
| | <i>- added by amendment 9/18/01</i> | |
2. Accessory structures.
 - a No accessory structure, excluding fences or walls, shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure;

- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 7-4. SPECIAL REGULATIONS

In addition to Section 7-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Home occupations (See Section 16-7).
4. Nonconforming uses (See Section 16-10);
5. Off-street parking and loading facilities (See Section 16-11);

SINGLE FAMILY DETACHED RESIDENTIAL R-3

Sec. 7-1. Purpose

The intent of this district is to provide for medium density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such further development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage medium density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

Sec. 7-2. PERMITTED USES

1 Uses permitted by right.

- a Single family detached dwelling;
- b Leasing or renting of rooms; however, the number of tenants in welling shall not exceed two (2)
- c Public schools or private schools offering curricula comparable to that of the public schools;
- d Churches and other houses of worship (See Section 15-5).

2 Accessory structures permitted.

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure.

3 Uses permitted by special exception.

- a Child day care centers (See Section 15-4);
- b Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);

- c. Governmental buildings and services;
- d. Semi-public recreational facilities and buildings

Sec 7-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 7-4 where it applies, as well as to the following requirements:

1. Residential uses:

- | | | |
|----|---|-------------------|
| a. | Minimum lot area | 6,000 square feet |
| b. | Minimum lot width at building line | 60 feet |
| c. | Minimum lot depth | 100 feet |
| d. | Minimum yard setbacks | |
| | 1 Front | 15 feet |
| | 2 Side, interior | 5 feet |
| | 3 Side, street | 10 feet |
| | 4 Rear | 15 feet |
| e. | Maximum building height of principal structures | 35 feet |
| f. | Maximum overhang | 30 inches |
| | <i>- added by amendment 9/18/01</i> | |

2. Accessory structures.

- a. No accessory structure, excluding fences or walls, shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure;
- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height

Sec 7-4. SPECIAL REGULATIONS

In addition to Section 7-3, Dimensional Requirements, the following regulations shall apply where required:

- 1 Access (See Section 16-2);
- 2 Flood hazard areas (See Section 16-6);
- 3 Home occupations (See Section 16-7);
- 4 Nonconforming uses (See Section 16-10);
- 5 Off-street parking and loading facilities (See Section 16-11);

ARTICLE 8

MULTIPLE FAMILY RESIDENTIAL (MF-1)

Sec. 8-1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land at a low/medium density of multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provisions of this district are intended to encourage such development projects to locate within close proximity to activity centers; to serve as a buffer between low intensity land uses and other more intense land uses; to avoid undue traffic congestion on minor streets by directing such new development to abut upon or have relatively close access to major transportation arteries, to provide for the development of projects in areas where such projects could be logically integrated with or located near medium density, single family areas or in transitional areas on land where the clustering of units would permit the most effective utilization of such land, while preserving open space and other natural features; to encourage privacy, internal stability, attractiveness, order and efficiency in the areas by providing for adequate light, air and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

Sec. 8-2. PERMITTED USES

1. Uses permitted by right.

- a. Multiple family dwellings, including apartments, townhouses, row houses, duplexes, and other single family attached dwellings;
 - b. Single family detached dwellings, including the leasing or renting of rooms in such dwellings; however, the number of tenants in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools;
 - d. Churches and other houses of worship (See Section 15-5);
 - e. Public recreational facilities and buildings.
2. Accessory structures permitted.
- a. Garages, carports, storage rooms, swimming pools and other structures which are customarily incidental to the principal structure;
 - b. Administrative/management offices, club or game rooms, recreational facilities and uses, and laundry facilities and uses intended for use solely by the residents of the development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.
3. Uses permitted by special exception.
- a. Child day care centers (See Section 15-4);
 - b. Governmental buildings and services;
 - c. Nursing and convalescent homes (See Section 15-10);
 - d. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
 - e. Semi-public recreational facilities and buildings.

- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height

Sec 8-4 SPECIAL REGULATIONS

In addition to Section 8-3 Dimensional Requirements, the following regulations shall apply where required:

- 1 Access (See Section 16-2);
- 2 Flood Hazard areas (See Section 16-6);
- 3 Home Occupation (See Section 16-7);
- 4 Nonconforming uses (See Section 16-10);
- 5 Off-street parking and loading facilities (See Section 16-11);
- 6 Site plan approval process (See Article 17)

the residents of the development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.

3 Uses permitted by special exception

- a Child day care centers (See Section 15-4);
- b Governmental buildings and services;
- c Nursing and convalescent homes (See Section 15-10);
- d Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
- e Semi-public recreational facilities and buildings

Sec 8A.3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 8-4 where it applies, as well as the following requirements:

1. Multiple family and single family attached dwellings

- a. Minimum lot area:
 - 10,000 square feet
 - Per one bedroom unit 3,800 square feet
 - Per two or more bedroom units 5,600 square feet
 - Duplexes 7,500 square feet
 - Triplexes and Quadplexes 10,000 square feet
- b. Minimum lot width at building line
 - Duplexes 75 feet
 - All others 100 feet
- c. Minimum lot depth 100 feet
- d. Minimum yard setbacks for one building per lot:
 - 1) Front 25 feet
 - 2) Side, street 15 feet
 - 3) Side, interior 8 feet
 - 4) Rear 20 feet
- e. Maximum building height of principal structures 35 feet
- f. Maximum percent of lot coverage 30%
- g. Maximum overhang 30 inches

2. Single family detached dwellings

- a. Minimum lot area: 7,500 square feet

| | | |
|---|---|-----------|
| b | Minimum lot width at building line | 75 feet |
| c | Minimum lot depth | 100 feet |
| d | Minimum yard setbacks: | |
| | 1) Front | 25 feet |
| | 2) Side, street | 15 feet |
| | 3) Side, interior | 8 feet |
| | 4) Rear | 20 feet |
| e | Maximum building height of principal structures | 35 feet |
| g | Maximum overhang | 30 inches |

3 Accessory structures.

- c No accessory structure, excluding fences or walls, shall be closer to any side or rear property line than eight (8) feet as measured from the overhang of the accessory structure
- d An accessory structure shall not exceed two (2) story or twenty-five (25) feet in height

Sec. 8A 4 SPECIAL REGULATIONS

In addition to Section 8A:3 Dimensional Requirements, the following regulations shall apply where required:

- 1 Access (See Section 16-2);
- 2 Flood Hazard areas (See Section 16-6);
- 3 Home Occupation (See Section 16-7);
- 4 Nonconforming uses (See Section 16-10);
- 5 Off-street parking and loading facilities (See Section 16-11);
- 6 Site plan approval process (See Article 17)

ARTICLE 9

MOBILE HOME PARK DISTRICT (MH-1)

Sec. 9-1. PURPOSE

The intent of this district is to provide for mobile home park developments together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential surroundings of this nature. The district is specifically designed to accommodate in such developments, mobile homes on rented parcels at acceptable densities; to accommodate the housing needs of those residents who prefer mobile home living and of those who desire an economic alternative to conventional dwellings; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative close access to major transportation arteries; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement; to protect mobile home parks from encroachment by incompatible uses; to insure that mobile homes are located on lots that are adequate distances from one another to prevent hazardous conditions caused by man or nature; and to protect other zoning districts from encroachment by nonconforming mobile homes.

Sec. 9-2. PERMITTED USES

1. Uses permitted by right.

- a. Mobile homes;
- b. Public schools or private schools offering curricula comparable to that of the public schools;
- c. Public recreational facilities and buildings.

2. Accessory structures permitted.

- a. Garages, carports, storage rooms, and other structure which are customarily incidental to the principal structure;
- b. Administrative and management office, club or game rooms, recreational facilities and uses and laundry facilities intended for use solely by the residents of the development and their guests, however, leasing or renting of same on a commercial basis is strictly prohibited.

3. Uses permitted by special exceptions:

- a. Child day care centers (See Section 15-4);
- b. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
- c. Governmental buildings and services;
- d. Semi-public recreational facilities and buildings;
- e. The sale of new and used mobile homes shall be permitted within the boundaries of an approved mobile home park when clearly incidental to the operation of said park, subject to the following conditions which are intended to protect the residential characters of the park:
 - 1) Allowable number. The number of mobile homes for sale shall not exceed ten (10) percent of the total number of approved mobile spaces in the mobile home park.
 - 2) Location. Mobile homes for sale shall be located only on approved mobile home spaces in the mobile home park, and subject to the same setbacks and yard requirements as occupied by mobile homes.

- 3) Maintenance. There shall be no renovating, overhaul, or repair to mobile homes offered for sale within the mobile home park. However, customary maintenance shall be permitted such as would be allowed for an occupant while living in a mobile home

Sec. 9-3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 9-4 where it applies, as well as to the following requirements:

- 1 Residential uses:
 - a Minimum park size 10 acres
 - 1) Maximum density 8 units/acre
 - b Minimum setback from park boundaries 35 feet
 - c Minimum lot area 5,000 square feet
 - d Minimum horizontal distance between mobile homes
 - 1) Side to side 25 feet
 - 2) End to end 15 feet
 - 3) Side to end 15 feet
 - e Minimum horizontal distance between the corners of adjacent mobile homes that do not face each other or overlap 15 feet
 - f Minimum horizontal distance between a mobile home and a mobile home park access or circulation drive 25 feet
 - g Maximum overhang 30 inches
 - added by amendment 9/18/01

2. Accessory structures.

An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

3. Additional Requirements.

a. Mobile home space.

1) Each mobile home shall be located on a space that will permit each unit to be sufficiently supported and anchored in accordance with the Texas Department of Labor and Standards' Texas Mobile Home Tie-Down Standards.

2) Each approved mobile home shall be clearly defined by markers that physically delineate as to the location of each said space within a park development.

b. Skirting. A skirt or apron which is continually and properly maintained shall be required to surround each mobile home between the bottom of the unit and the ground. The skirt of all single and multi-section mobile homes shall comply with the following requirements:

- 1) Be completely around the structure from the base of the mobile home to the ground level beneath;
- 2) Be of fire-resistant material with similar appearance to the mobile home or masonry material;
- 3) Be weather-resistant material and material specifically designed by the mobile home manufacturers for skirting (not to be construed to mean scrap metal or scrap material);
- 4) Be skirted in such a way as not to allow access to the underside of the mobile home for storage and/or trash

accumulation, but access only for repair purposes to the mobile home;

5) Be approved at the time the building permit is issued, at completion of installation and before certificate of occupancy is issued.

c. Street or driveway improvements. All streets or driveways shall be paved in accordance with the subdivision requirements in effect at the time of construction.

d. Street lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 footcandles.

e. Usable open space. A minimum of twenty (20) percent of the gross usable land area within the mobile home park boundaries shall be designed for use as an active and/or passive recreational area(s).

f. Parking. No parking shall be allowed on any mobile home park paved access or circulation drives.

Sec. 9-4. SPECIAL REGULATIONS.

In addition to Section 9-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Home occupations (See Section 16-7);
4. Nonconforming uses (See Section 16-10);
5. Off-street parking and loading facilities (See Section 16-11);
6. Site plan approval process (See Article 17).

ARTICLE 10

MANUFACTURED HOUSING DISTRICT (R-4)

Sec. 10.1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provisions of this district are intended to protect and stabilize the essential characteristics of single-family development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage development to occur where public facilities and services and other factors are available which are conducive to such residential development; and to discourage any activities not compatible with such residential development.

Sec. 10.2. PERMITTED USES

1. Uses permitted by right.

- a. Single Family Detached;
- b. Single Sectional mobile home;
- c. Multi-sectional mobile home;
- d. Modular home;
- e. Leasing or renting of rooms, however, the number of tenants in each dwelling shall not exceed two (2);
- f. Churches and other houses of worship (see Section 24.5).

2. Accessory structures permitted.

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structures.

- 3 Uses permitted by special exception.
 - a. Child day care centers (See Section 15-4);
 - b. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 15-14);
 - c. Governmental buildings and services;
 - d. Semi-public recreational facilities and buildings

Sec 10-3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 10-4 where it applies, as well as to the following requirements:

1. Residential uses:

- | | | |
|---|---|-------------------|
| a | Minimum lot area | 5,000 square feet |
| b | Minimum lot width at building line | 50 feet |
| c | Minimum lot depth | 90 feet |
| d | Minimum yard setbacks | |
| | 1) Front | 25 feet |
| | 2) Side, interior | 7.5 feet |
| | 3) Side, street | 15 feet |
| | 4) Rear | 20 feet |
| e | Maximum building height of principal structures | 35 feet |
| f | Maximum percent of lot coverage | 30 % |
| g | Maximum overhang | 30 inches |
| | <i>- added by amendment 9/18/01</i> | |

2. Accessory structures:

- a. No accessory structure, excluding fences or walls shall be closer to any side or rear property line than three (3) feet as measured from the overhang of the accessory structure.
- b. An accessory structure shall not exceed two (2) stories of twenty-five (25) feet in height.

3. Additional Requirements:

- a. Definitions. All manufactured housing permitted by this Article shall be identified according to Section 3-3, Use Definitions.
- b. Underpinned/Skirted. All single and multi-section mobile homes shall comply with the following requirements:
 - 1) Be completely around the structure from the base of the mobile home to the ground level beneath;
 - 2) Be of material with similar appearance to the mobile home (or) masonry material;
 - 3) Be weather-resistant material and material specifically designed by the mobile home manufacturers for skirting (not to be construed to mean sheet metal or scrap metal or polyurethane scrap material);
 - 4) Be skirted in such a way as not to allow access to the underside of the mobile home for storage and/or trash accumulation, but access only for repair purposes to the mobile home;
 - 5) Be approved at the time the building permit is issued.
- c. Permanent Foundation. All single and multi-section mobile homes shall be placed on a permanent foundation as defined in The Standard Building Code, Section 1302-Footings and Foundations.
- d. Construction Standards. The following requirements relate to modular housing not bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards:
 - 1) Any home built outside the City of Canton to be moved into the City shall be built according to the following building

- a) Building Code
 - b) Electrical Code
 - c) Plumbing Code
 - d) Heating and Air Conditioning Code
- 2) Must have a Certificate of Compliance by a registered architect or engineer, or be inspected by the City of Canton Inspection Department.
- e. Building Permit. All manufactured housing permitted by this Article must be issued a building permit before such is brought to a site, the same as for a site-built housing.

Sec. 10.4. SPECIAL REGULATIONS

In addition to Section 10-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (see Section 16-2);
2. Nonconforming uses (see Section 16-10);
3. Off-street parking and loading facilities (see Section 16-11);
4. Home occupations (see Section 16-7);

ARTICLE 10A
RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO)

Sec 10A-1 PURPOSE

The intent of this district is to provide for the use and grouping of professional small offices and related facilities with limited non-residential use in areas near or adjoining residential districts without introducing non-related commercial use capable of adversely affecting near or adjoining residential districts

Sec 10A-2 PERMITTED USES

1 Uses permitted by right.

- a) Any use permitted in the R-1 and R-2 (Single Family Detached Residential Districts).
- b) General Offices
- c) Outpatient Clinics (Medical, Dental or Optical)
- d) Medical Laboratories (Excluding Forensic)
- e) Medical Offices (Maximum 5 Doctors)
- f) Abstract Offices
- g) Accounting Offices
- h) Advertising Offices
- i) Architects, Engineers Office
- j) Attorneys Offices
- k) Collection Agencies
- l) Insurance Offices
- m) Message Service Offices
- n) Protection Service Offices
- o) Publicity Service Offices
- p) Real Estate Offices
- q) Stocks & Bonds Broker's Office
- r) Tax Consultant Office
- s) Travel Bureaus Office

- t) Government Offices
 - u) Retirement Centers
 - v) Photography Studios
2. Accessory structures permitted.
 Garages, carports, storage rooms and other structures which are customarily incidental to the principal structures.
3. Uses permitted by special exception.
- a) Child day care centers (See Section 15-4);
 - b) Off-site Parking Lot (See Section 16-11);
 - c) Churches and Parsonages
 - d) Art Galleries

Sec 10A-3 DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 10A-4 where it applies, as well as to the following requirements:

1. Restricted Professional and Office uses:
- | | |
|--|-------------------------------------|
| a) Minimum lot area | 7,500 square feet |
| b) Minimum lot width at building line | 75 feet |
| c) Minimum lot depth | 100 feet |
| d) Minimum yard setbacks | |
| 1) Front | 25 feet |
| 2) Side, interior | 8 feet |
| 3) Side, street | 15 feet |
| 4) Rear | 20 feet |
| e) Maximum building height of principal structures | 35 feet |
| f) Maximum overhang | 30 inches |
| | <i>- added by amendment 9/18/01</i> |
2. Accessory structures.
- a) No accessory structure, excluding fences or walls shall be closer to any side or rear property line than eight (8) feet or measured from the overhang of the accessory structure;

- b) An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height

Sec. 10A-4 SPECIAL REGULATIONS.

In addition to Section 10A-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Nonconforming uses (See Section 16-10);
4. Off-street parking and loading facilities (See Section 16-11)

| | |
|-------------------------|--|
| Lot Width | 75 foot minimum |
| Front yard | 25 feet |
| Rear | 15 feet if adjacent to residential use or zone |
| Side | 15 feet if adjacent to residential use or zone |
| Max Height | 3 stories/45 feet high for main building |
| Building Separation | 10 feet |
| Maximum Lot Coverage | 50% |
| Set Backs (side & rear) | Special exceptions allowed with added buffering per Section 5 the set back can be reduced (5) Feet |

d Site Layout

- Circulation between development sites shall be required in order to provide all development sites with street access and to smooth the flow of traffic both on site and on the public roadways. Joint access easements between development sites shall be provided. One curb cut shall be allowed for each 75 feet of frontage, but curb cuts may not be closer than 100 feet centerline to centerline.

e Landscaping and Streetscaping

- **Landscaping** – each lot shall maintain a minimum of 20% of the site in landscaping. However, the amount of landscaping may be reduced by 120 s.f. for each additional 3-inch caliper tree, which is planted. However, in no case shall the landscape area be less than 15% of the site area. This does not include the trees, which are required for parking areas or streetscaping. One tree shall be provided for each 5 parking spaces within the parking lot area. Irrigation must be supplied for all landscaping.
- **Streetscaping**- A minimum of 1 tree shall be planted for each 40 linear feet of frontage. A minimum of 50% must be large trees as defined in Section 10B-2, 7b of the ordinance. The minimum caliper for street trees shall be 3-inches. All trees shall be a species approved by the City of Canton's approved plant list. All trees shall be placed between the roadway curb line and the parking area or front building line; however trees shall not be planted closer than 10 feet to the curb line. A buffer area shall be placed adjacent to the roadway by placing a minimum 3-foot high solid shrub hedge, berm, or combination of these, but not exceed 5-feet in height. In no case shall the slope of a berm exceed 3:1 unless it is being retained on the private property side of the berm. Railroad ties may not be used for retaining. The 3-foot high berm shall be used along the frontage as the screening method along the roadway, unless prevented due to unique site conditions. The berm will need to be located at least 10' feet from the edge of pavement.
- **Maintenance**- Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

- a. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled and permanent irrigation systems.
- *Sidewalks* - Sidewalks shall be placed on both sides of the street and shall be a minimum of 5 feet in width
- *Screening*- See screening requirements in Ordinance 2004-01 Minimum Exterior Standards

3. Architectural Standards

a. Materials

- 80% Stone, Brick, Hardiplank, Stucco, and Hardiplank
- Additional material allowed – 20% vinyl

b. Design

- Each building (new construction) must contain a minimum of 2 roof pitches or 2 roof elevations. Window articulation and character detail is encouraged.

4. Signage

Signs shall not obstruct the visibility of traffic entering or leaving the public roadway. Only monument signs will be allowed as follows:

- 25 square feet for lot width of 149 feet and less
- 50 square feet for lot width greater than 150 feet
- Height limit of 6 feet. A series of contiguous properties may combine signage and square foot into a single monument sign. However each individual property would not be allowed their own individual monument sign in addition to the combined sign. Signs must be spaced a minimum of 75 feet apart and 25 feet from another lot. Wall signs may be placed on the building and shall not exceed 5% of the total area of the elevation.

Monument Signs are free standing signs located adjacent to the sidewalk independent of the building. Monument signs shall be set onto a base present a solid, attractive and well-proportioned appearance that complements the building design and materials. Monument signs are not visibly supported by poles or posts and which is attached directly to the ground and does not exceed six (6) feet in height measured from the normal sidewalk grade or highest adjacent existing grade and 5 feet from the R.O.W.

Prohibited signs are as follows:

- Single pole signs
- Portable signs
- Window signs and painted windows
- Billboards
- Banners except for 15 day grand opening

5. Review Process

Site Plan shall conform to the standards of the City of Canton Zoning Ordinance Article 17

- a. Landscape Plan shall be included with Site Plan drawn to a scale no smaller than 1"= 30' as per Section 6

6 Approved Uses

The chart below is a summary of uses that are permitted in the Gateway District.

| USES | ALLOWED | SPECIAL CRITERIA |
|--------------------------------|---------|---|
| Single Family Detached | Y | R1 Standards or Planned Development. |
| Professional Office | Y | No Outdoor Storage/ Without Retail Services Limit to 3000 S.F. |
| Medical Clinic | Y | |
| Light Retail | Y | Less than 2000 S.F of sale area No drive through facilities. |
| Personal Service Establishment | Y | Less than 2000 S.F of sale area No drive through facilities. |
| Church/Civic Use | Y | Less than 3000 S F of facility space. |

7. Buffer Landscaping Materials

- a. Landscape plants shall not include plastic or other artificial materials
- b. The following minimum plant sizes shall be used:

Minimum Size at Planting

| | |
|---|--|
| Landscape Element (plants) | |
| Shade tree | 3 inch caliper, balled and burlapped |
| Ornamental tree | 2 inch caliper, balled and burlapped |
| Evergreen tree | 8 feet in height, balled and burlapped |
| Shrub | 5 gallon container |
| Perennial or ornamental grass or ground cover | 1 gallon container |

Notes:

- 1. All calipers are measured six (6) inches above the finish planting grade
- 2. Two Root barriers shall be installed for all new trees planted adjacent to existing or proposed sidewalks and paving

- c. Appropriate plants include, but are not limited to:

- i. Deciduous trees including: Maple, Oak, Birch, Beech, Linden, Honey Locust, Ash, and Ginkgo.

- ii. Deciduous shrubs (shrub-like) trees including: Dogwood, Redbud, Flowering Crab, Hawthorn, Magnolia, and Fruit (pear, cherry, plum, peach)
 - iii. Shrubs including: Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, and Sumac
 - iv. Evergreens including: Pine, Fir, Spruce, Hemlock, Juniper, and Arborvitae
 - v. Xeriscape (landscape method that conserves water through the use of drought-tolerant plants and planting techniques and native plants) is encouraged and recommend appropriate equivalent landscape
- d. Existing trees, native vegetation, and rare plants shall be retained wherever possible and may be accepted in lieu of new plantings
 - e. All landscaping shall be designed to consider the site and surrounding properties by addressing sun, shade, and wind for increased energy efficiency
 - f. Deciduous trees shall be the preferred method of providing shade in parking lots and around structures
 - g. Evergreen trees shall be limited to windbreaks, screening, and accent purposes
 - h. A buffer area shall be placed adjacent to the roadway or property line by placing a minimum 3-foot high solid shrub hedge, berm, or combination of these, but not exceed 5-feet in height. In no case shall the slope of a berm exceed 3:1 unless it is being retained on the private property side of the berm. Railroad ties may not be used for retaining.

8. Landscape Plan

- a. Boundaries, property lines, and dimensions
- b. Existing trees and vegetation
- c. The location and design of areas to be landscaped
- d. The location and labels for all proposed plants
- e. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting
- f. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, water features, street furniture, lights and courts or paved areas
- g. Planting and installation details as necessary to ensure conformance with all required standards
- h. A copy of the Covenants, Conditions and Restrictions which provides for landscaping and site maintenance.

ARTICLE 11

LOCAL BUSINESS DISTRICT (B-1)

Sec. 11-1. PURPOSE

The intent of this district is to provide for a limited number of existing or potential low intensity office, business and commercial facilities. The provisions of this district are intended to permit the continuance of existing and compatible business and commercial developments which benefit from being in close proximity and business establishments particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

Sec. 11-2. PERMITTED USES

1. Uses permitted by right.

a. Retail-commercial sales and services;

- 1) Food stores;
- 2) Dry good stores;
- 3) Household and family service establishments;
- 4) Recreation and sport stores;
- 5) Drugstores and pharmacies;
- 6) Business service establishments;
- 7) Eating establishments;
- 8) Financial institutions.

- b. Professional and personal services:
 - 1) Personal service establishments;
 - 2) Professional services;
 - c. Churches and other houses of worship (See Section 15-5);
 - d. Governmental buildings and facilities;
 - e. Public and private utilities, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11).
2. Accessory structures permitted.
 Garages, storage rooms and other structures which are customarily incidental to the principal structure.
3. Uses permitted by special exception.
- a. Child day care centers (See Section 15-4).
 - b. Gasoline service stations and car washes (See Section 15-7);

Sec. 11-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 11-4 where it applies, as well as to the following requirements:

1. Retail-commercial sales and services; Professional and personal services; Eating establishments; and Financial institutions.
- a. Minimum lot area: No limitations
 - b. Minimum yard setbacks
 - 1) Front 25 feet
 - 2) Side, street 15 feet
 - 3) Side, interior
 - (a) where the side yard abuts a residential district 25 feet

- (b) all interior side yards
 - other than (a) above 0 feet
- c. Maximum building height of principal structures 35 feet
- d. Maximum lot coverage No limitations

2. Accessory structures.

An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

3. Additional requirements.

- a. No parking, storage or similar use shall be permitted in the required front yards of this district, except that automobile parking is permitted in such yards if separated by at least one hundred (100) feet from any single family residential district.
- b. No parking, storage or similar use shall be permitted in any required side yard (interior or street) of this district adjoining a single family residential district.

Sec. 11-4. SPECIAL REGULATIONS

In addition to Section 11-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Nonconforming uses (See Section 16-10);
4. Off-street parking and loading facilities (See Section 16-11);
5. Site plan approval process (See Article 17).

ARTICLE 12

GENERAL BUSINESS DISTRICT (B-2)

Sec. 12-1. PURPOSE

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest than those found in the local business district. The provisions of this district are intended to encourage general commercial development to occur along major arteries where sites are adequate for an integrated design of commercial and business establishments particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

Sec. 12-2. PERMITTED USES

1. Uses permitted by right.

a. Retail-commercial sales and services;

- 1) Food stores;
- 2) Dry good stores;
- 3) Household and family service establishments;
- 4) Recreation and sport stores;
- 5) Drugstores and pharmacies;
- 6) Business service establishments;
- 7) Eating establishments;
- 8) Vehicular and equipment sales and services

- 9) Lumber and building materials;
 - 10) Vehicular and equipment rentals;
 - 11) Contractor shops and yards;
 - 12) Furniture and appliance stores;
 - b. Professional and personal services:
 - 1) Personal service establishments;
 - 2) Professional services;
 - 3) Financial institutions;
 - c. Hotels, motels or motor lodges;
 - d. Gasoline service stations and car washes (See Section 15-7);
 - e. Major automotive repair facilities;
 - f. Funeral homes and mortuaries (See Section 15-6);
 - g. Churches and other houses of worship (See Section 15-5);
 - h. Governmental buildings and facilities;
 - i. Public and private utilities, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 15-11);
 - j. Hospitals and clinics (See Section 15-14).
2. Accessory structures permitted.
 Garages, storage rooms and other structures which are customarily incidental to the principal structure.
3. Uses permitted by special exception.
- a. Child day care centers (See Section 15-4);
 - b. Nursing and convalescent homes (See Section 15-10);
 - c. Wholesale establishments and warehouses;
 - d. Veterinary hospitals or clinics (See Section 15-12).

Sec. 12-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 12-4 where it applies, as well as to the following requirements:

1. Retail-commercial sales and services; Professional and personal services; Hotels, motels or motor lodges; Major automotive repair facilities; and Wholesale establishments and warehouses.

- | | | |
|----|---|----------------|
| a. | Minimum lot area: | No limitations |
| b. | Minimum yard setbacks | |
| | 1) Front | 25 feet |
| | 2) Side, street | 15 feet |
| | 3) Side, interior | |
| | (a) Where the side yard abuts a residential structure or district | 25 feet |
| | (b) All interior side yards other than (a) above | 0 feet |
| | 4) Rear | 0 feet |
| | (a) Where the rear yard abuts a residential structure or district | 25 feet |
| | (b) All interior rear yards other than (a) above | 0 feet |
| c. | Maximum building height of principal structures | 35 feet |
| d. | Maximum lot coverage | No limitations |

2. Accessory structures.

An accessory structure shall not exceed two (2) stories of twenty-five (25) feet in height.

Sec. 12-4. SPECIAL REGULATIONS

In addition to Section 12-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Nonconforming uses (See Section 16-10);
4. Off-street parking and loading facilities (See Section 16-11);
5. Site plan approval process (See Article 17).

ARTICLE 13

FIRST MONDAY BUSINESS DISTRICT (FMB)

Sec 13-1. PURPOSE

The intent of this district is to provide for areas that are designed for commercial flea market needs that appeal to a wider regional interest than those found in a traditional business district. The provisions of this district are intended to encourage the selling or trading of all types and kinds of legal merchandise to the general public; to encourage such facilities to locate on land that is physically capable of supporting this type and kind of commercial activity, to minimize traffic congestion on public streets by requiring such commercial activity to abut upon streets functionally classified or arterial where public facilities and services are existing or within plans for improvement; and to minimize any adverse public health effects by specifically designating a location where live animals shall only be sold or traded.

Sec 13-2. PERMITTED USES BY AREA

1. First Monday Business Area #1 (FMB-A1)

- a) Retail and commercial vendors including but not limited to antique, painting, sculpture, clothing, craftwork and others of similar nature, excluding animal vendors.
- b) Food Vendors
- c) Parking Facilities

2. First Monday Business Area #2 (FMB-A2)

- a) Retail and commercial vendors including but not limited to antique, painting, sculpture, clothing, craftwork, animal and others of similar nature.
- b) Food Vendors
- c) Parking Facilities

Sec 13-3 DIMENSIONAL REQUIREMENTS

All vendor spaces and/or structures shall be located and constructed in accordance with Section 13-4 where it applies, as well as to the following requirements:

- a. Minimum Market Area 10 acres
- b. Minimum vendor and/or structure setbacks
 - 1) Front 25 feet
 - 2) Side, street 25 feet
 - 3) Side, interior 15 feet
 - 4) Rear 25 feet
- c. Maximum building height of structures 40 feet
- d. Maximum lot coverage No limitations

Sec 13-4. OTHER REGULATIONS

In addition to Section 13-3, Dimensional Requirements, the following regulations shall apply where required:

- 1. Site plan approval process (See Article 17);
- 2. Flood hazard areas (See Section 16-6);
- 3. Off-street parking (See Section 16-11);
- 4. Permanent restroom facilities shall be constructed at the following ratios:
 - a) 6 female units per vendor acre; and
 - b) 3 male units per vendor acre

ARTICLE 14

GENERAL INDUSTRIAL DISTRICT (GI-1)

Sec. 14-1. PURPOSE

The intent of this district is to provide sufficient space in approximate locations physically suitable for the development of certain types of retail-commercial sales and services, research operations, and wholesale and storage distribution concerns and enterprises engaged in general manufacturing, processing, and/or fabrication of products and machinery. The provisions of this district are intended to accommodate enterprises with functions requiring access to transportation services by providing them with locations that are in close proximity to major transportation facilities for the reception and eventual distribution of their goods and/or services; to require appropriate buffering around such development either through natural features or landscaping in an attempt to maintain its compatibility with surrounding land uses; to provide for the most efficient and economic use of land through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will require such development to occur where public facilities and services are existing or within plans for improvement.

Sec. 14-2. PERMITTED USES

1. Uses permitted by right.

a. Research activities:

- 1) Industrial research laboratories;
- 2) Medical research laboratories;
- 3) General science research laboratories;

b. Retail-commercial sales and services

- 1) Lumber and building materials;
- 2) Contractor shops and yards;
- 3) Vehicular and equipment sales and services;
- 4) Vehicular and equipment rentals and/or storage services;
- 5) Gasoline service stations and car washes (See Section 15-7).

c. Primary industrial activities:

- 1) Bus, cab, truck, and railroad terminals, including the storage and maintenance of such vehicles;
- 2) Pipeline and petroleum transporting enterprises;
- 3) Warehousing and wholesaling concerns;
- 4) Manufacturing and repairing of electronic or neon signs, light sheet metal products, including heating, ventilating and air conditioning equipment, cornices, and eaves;
- 5) Light manufacturing, assembling, processing and packaging plants;
- 6) Flour, feed, and grain packaging, blending and storage;
- 7) Fertilizer, organic or non-organic;
- 8) Glass manufacturing and products.

d. Secondary industrial service activities:

- 1) Photographic processing or blueprinting;
- 2) Dry cleaning, dyeing and laundry plants;
- 3) Printing, book binding, lithograph, and publishing plants;
- 4) Moving and storage, enclosed;
- 5) Business offices, accessory to the primary industrial activity;

- c. Maximum building height of principal structure 35 feet
- d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, street 25 feet
 - 3) Side, interior
 - (a) Where the side yard abuts and is used for access to a railroad siding; 0 feet
 - (b) Where the side yard abuts a residential district 50 feet
 - (c) All interior side yards other than (a) or (b) above 20 feet
 - 4) Rear
 - (a) Where the rear yard abuts and is used for access to a railroad siding; 0 feet
 - (b) Where the rear yard abuts a residential district 50 feet
 - (c) All rear yard setbacks other than (a) or (b) above 10 feet

2. Accessory structures.

No accessory structure, excluding fences or walls, shall be closer to any property line than the required setbacks or exceed the maximum building height of the principal structure.

3. Additional requirements.

- a. Enclosed operations. All manufacturing, assembling or processing located within one hundred (100) feet of any residential district of any kind except for storage and off-street parking and loading shall be conducted within completely enclosed structures.
- b. Outdoor storage. No outdoor storage of materials or products shall be permitted in any of the required yard setback areas.

Sec. 14-4. SPECIAL REGULATIONS

In addition to Section 14-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 16-2);
2. Flood hazard areas (See Section 16-6);
3. Nonconforming uses (See Section 16-10);
4. Off-street parking and loading facilities (See Section 16-11);
5. Site plan approval process (See Article 17).

ARTICLE 15
SPECIAL PROVISIONS

Sec. 15-1. PURPOSE

The purpose of this Article is to establish standards and considerations in order to achieve the maximum compatibility of the following listed uses with their immediate and general settings.

Sec. 15-2. ACCESSORY STRUCTURES

Detached accessory structures shall be at least five (5) feet from any principal structure on the same lot within residential districts, and shall be considered in the calculating of the total coverage.

Sec. 15-3. CEMETERIES AND MAUSOLEUMS

In addition to the requirements applicable to cemeteries and other such similar uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.
 - a. Minimum parcel size. The minimum parcel size for cemeteries and/or mausoleums shall not be less than ten (10) acres.
 - b. Minimum yard setbacks. No part of any crypt, mausoleum, or other building, other than a subterranean grave, shall be less than fifty (50) feet from the nearest lot line.
 - c. Parcel coverage. Crypts, mausoleums or other structures, other than monuments, shall together not occupy more than ten (10) percent of the total area.
2. Buffering and screening.

all boundary lines separating cemeteries from any contiguous land.

Sec. 15-4. CHILD DAY CARE CENTERS

In addition to the requirements applicable to day care centers within districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet and in compliance with state law.

b. Minimum lot width. The minimum lot width at the property line shall not be less than one hundred (100) feet.

c. Minimum yard setbacks.

- | | |
|-------------------|---------|
| 1) Front | 25 feet |
| 2) Side, street | 15 feet |
| 3) Side, interior | 8 feet |
| 4) Rear | 20 feet |

d. Maximum building height of principal structure 35 feet

e. Minimum outdoor play area. There shall be provided a minimum of not less than two hundred (200) square feet of outdoor play area per child. Said play area shall be provided on the same lot as the principal use, and shall not be located in the required front yard.

2. Buffering and screening.

- a. There shall be a fence six (6) feet in height surrounding all play areas. Such fencing shall be continuous with latching gates at exit and entrance points. The fencing may be of masonry construction, chain link or wood.
- b. In the case of special exceptions, the Board of Adjustments may require that plantings be placed on the outside of the above required fencing and may also require that such fencing areas be setbacks from any property line.

Sec. 15-5. CHURCHES AND OTHER HOUSES OF WORSHIP

In addition to the requirements applicable to churches and other houses of worship within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Minimum lot area 1/2 acre
- b. Minimum lot width 100 feet
- c. Minimum yard setbacks 30 feet
- d. Maximum building height of principal structure, excluding church spire 35 feet

2. Access. All ingress and egress points shall be to or from arterials.

Sec. 15-6. FUNERAL HOMES AND MORTUARIES

In addition to the requirements applicable to funeral homes and mortuaries

within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements:

- a. Minimum lot area 1 acre
- b. Minimum lot width 100 feet
- c. Minimum yard setback 35 feet
- d. Maximum building height or principal structure 35 feet

2. Access.

All ingress and egress points shall be to or from the arterials.

3. Buffering and screening.

All such operations including the loading and unloading facilities shall be screened from abutting properties.

Sec. 15-7. GASOLINE SERVICE STATIONS AND CAR WASHES

In addition to the requirements applicable to gasoline service stations and car washes within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Gasoline service station.

- a. Minimum lot area. The minimum lot area to be occupied by a gasoline service station shall not be less than twelve thousand (12,000) square feet with a lot frontage of not less than one hundred (100) feet.
- b. Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum distance of at least fifteen (15) feet from any street right-of-way line, property or buffer strip.

c. Permitted uses.

- 1) Automobiles, trucks, luggage carriers, boats, trailers, but not including wrecks thereof, may be parked on the premises.
- 2) Minor adjustments or repairs to automobiles, trucks, trailers, or other vehicles which do not require body work, painting, or removal of engines from frames or dismantling of differentials shall be permitted. Major adjustments or repairs at service stations shall only be permitted within zoning districts where such is so specified.
- 3) Retail sale of:
 - a) Minor automobile parts and accessories, gasoline, diesel;
 - b) Fuel, kerosene, lubricating oils and greases; Articles dispensed by vending machines providing such vending machines are located under the roof of the principal structure.
 - c) Outdoor storage. No permanent outdoor storage of materials or products shall be permitted.
 - d) Facilities. No lift or repair facilities shall be located outside of the principal structure.

2. Car washes

- a. Minimum lot area. The minimum lot area to be occupied by a car wash containing either one (1) conveyor belt washing stall or four (4) or less self-service and/or automatic washing stalls shall not be less than fifteen thousand (15,000) square feet. For each additional washing stall over one (1) conveyor belt

washing stalls, as the case may be, an additional two thousand (2,000) square feet shall be added to the minimum lot requirements.

- b. Compliance with other regulations. Except as provided for in the above paragraph, all car washes shall comply with the regulations of Section 2a. above.

Sec. 15-8. JUNKYARDS AND SALVAGE YARDS

In addition to the requirements within the "GI-1" districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Minimum lot area 2 acres
- b. Minimum lot location
 - 1) Distance from any residentially zoned district 300 feet
 - 2) Distance from any street right-of-way line 25 feet
 - 3) Distance from any other property line 20 feet
- c. Maximum building height of principal structures 35 feet

2. Buffering and screening.

The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous metal fence suitably protected against weather, solid masonry wall, (not to include a pile of bricks or cylinder blocks) or wood fence six (6) feet in height without opening except for entrance and exits, which shall be equipped with unpierced

Sec. 15-9. MOBILE HOMES

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Location.

No person shall park, store or use a mobile home on any lot other than in a licensed mobile home park district within the corporate limits of the City of Canton, except that a mobile home may be used as a temporary office or shelter incidental to construction or development of premises on which the mobile home is located; only during the time construction or development is actively underway. Mobile home sales establishments, excluding the use of mobile homes as living units, shall be permitted in the "B-2" or "GI-1" districts only unless otherwise provided for this ordinance.

2. Additional requirements.

Mobile homes that now exist in single-family or multiple family residential districts shall be required to meet the Texas Department of Labor and Standards' Texas Mobile Home Tie-down Standards. A skirt or apron which is continually and properly maintained shall also be required to surround each mobile home between the bottom of the unit and the ground. The time period for meeting these standards will be one (1) year from the enactment date of this ordinance.

Sec. 15-10. NURSING AND CONVALESCENT HOMES

In addition to the requirements within the "MF-1" and "B-2" districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Minimum lot area 10,000 square feet
- b. Minimum lot width 100 feet
- c. Minimum yard setbacks 25 feet
- d. Maximum building height of principal structure 35 feet

2. Access.

All ingress and egress points shall be to or from arterials.

3. State and Federal regulations.

Such uses shall meet the minimum requirements as set forth by the state or federal agencies regulating such activities, and shall upon application, for either building permit or occupancy certificate, submit certificates indicating approval by such state or federal agencies.

Sec. 15-11. PUBLIC AND PRIVATE UTILITIES

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

All such requirements for such facilities shall be in accordance with the principal dimensional requirements of the district in which such facilities are permitted.

2. Buffering and screening.

- a. Equipment storage. Any unhoused equipment shall be enclosed by a chain-link fence of not less than six (6) feet in height without openings except for entrances and exits, which shall be

equipped with unpierced gates or other screening as approved by the Planning and Zoning Commission; however, when the equipment is totally enclosed within a building, no fence or other screening device shall be required. Residential districts. In residential districts, such facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility or create hazardous effects; however, such other equipment may be stored in residential districts provided it is enclosed within a building or properly screened.

Sec. 15-12. VETERINARY HOSPITALS AND CLINICS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet.
- b. Minimum lot width. The minimum lot width at the building line shall not be less than one hundred (100) feet.
- c. Minimum yard setback. All buildings and structures excluding fences or walls shall be set back a minimum distance of twenty-five (25) feet from any residential district boundary. All other setbacks shall conform to the requirements of the district such uses are located.
- d. Additional requirements. Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the maximum building height regulations of the district in which such facilities are permitted.

2. Additional regulations.

- a. No such facilities shall be permitted to have outside cages or runs except those permitted in industrial districts.
- b. All such facilities shall be sound proof so as to prevent any noise from being heard outside any building or structure.
Outside cage structures permitted in industrial districts shall not be required to be sound proof.
- c. All such facilities shall have proper and Health Department approved methods of disposing of dead animals and/or parts crematory or pathological incinerator and other acceptable means, such as a rendering plant contract for regular removal and proper refrigerated storage if required to remain on premises for any reason.

Sec. 15-13. RADIO AND TELEVISION TRANSMISSION TOWERS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Tower location. Towers shall be centrally located on the site so as to provide a minimum distance equal to one and a half (1.5) times the height of the tower from all property lines.
- b. Anchor location. All tower supports and peripheral anchors shall be located entirely within the boundaries of the property and in no case less than ten (10) feet from the property line.
- c. Minimum yard setback - accessory structures. All accessory structures shall conform to the setback requirements for the

Sec. 15-13. RADIO, CABLE TV, PCS, and CELLULAR TOWERS

These regulations are adopted for the following purposes:

- Low rise*
- A. To protect and provide for the public health, safety and general welfare of the City;
 - B. To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively, and efficiently;
 - C. To require secure antenna and tower mounting and construction;
 - D. To encourage the users of towers and antennas to locate them, to the extent possible, in areas where adverse impact on the community is minimal; and
 - E. To protect and enhance the City's environmental and aesthetic quality;
 - F. To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services.

1 Application Requirement:

- Low rise*
- A. Site and landscape plans to scale.
 - B. A report including a description of the tower with technical reasons for its design.
 - C. Engineering plans for the towers structural integrity for the towers proposed uses.
 - D. The general capacity of the tower, and information necessary to assure that ANSI and ASCE 7 standards are met
 - E. Proof of ownership of the proposed site or authorization to utilize it.
 - F. Copies of any easements if necessary
 - G. Compliance with City Ordinance No 99-02 (Canton Hackney Airport Hazard Zoning) adopted March 16, 1999

2 Setbacks:

- Low rise*
- A. All tower, guide anchors, and accessory equipment 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 front, eight (8) feet sides, ten (10) feet rear, four hundred (400) feet tall or over (2600 feet, 800 meters) from the right of way of Federal and State roadways designated as freeways to provide unobstructed flight paths for helicopters.
 - B. Setbacks from residential districts are a minimum of a 3 to 1 distance to height ratio from a single family residential district and a 1 to 1 distance to height ratio from multifamily district.

3 C Except as otherwise provided in this ordinance or by specific use permit, telecommunications towers and dish sites are not permitted in residential zoned districts.

3 Aesthetics:

- A Screening materials around equipment buildings, etc be kept and maintained, be kept free of overgrowth of weed and grass, etc
- B If installed on buildings or water towers be maintained to match structure.
- C Chain link fence of not less than eight (8) feet in height from finished grade

4 Lighting and Structural Integrity:

- A All towers built must comply with the lighting restrictions of the FAA and conform to ASCE-7 and to all applicable building requirements and be designed by a registered professional engineer versed in tower construction.
- B An operational certificate prepared by an engineer from the owner or operator of a new tower within 45 days of the initial operation.

5 Abandonment:

The owner to provide the city with a copy of the notice to the FCC of intent to cease operations and gives ninety days from the date of ceasing operations to remove the obsolete tower or monopole or antennas and accessory structures

6. Definitions:

ANSI - American National Standards Institute

ASCE - American Society of Civil Engineers

ASCE-7 - Minimum design loads for buildings and other structures.

Amateur Radio Antenna - Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the FCC.

Climbing Guard - Equipment or shields specifically designed to prevent a person from climbing an antenna support structure.

Commercial Antenna - Any antenna system that provides, directly or indirectly

for a fee telecommunications services to the public or to such classes of users as to be effectively available directly to the public, regardless of facilities used.

Ground Mounted - An antenna or antenna support structures fixed directly into the ground.

Mast - A pole of wood or metal, or a tower fabricated of metal, used to support an amateur radio antenna and maintain it at the proper elevation.

Monopole - A self supporting tubular shaped antenna support structure which consists of a single vertical pole fixed into the ground and/or attached to a foundation.

Telescopic or Crank-Up Tower - An antenna support structure designed to be lowered or raised either manually or mechanically.

Whip Antenna - An antenna consisting of a single slender rod-like element which is support only at or near its base.

Wire Antenna - A flexible filament, cable or wire designed to function as an antenna.

7 Commercial Communications Antennas and Support Structures

A. In all residential zoning districts (R-1, R-2, R-3, R-4, MF-1, MH-1) commercial antennas and antenna support structures are prohibited, except as specified within this section.

1 A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower or elevated water storage tank) exceeding seventy-five (75) feet in height, provided that the antenna does not extend more than ten (10) feet above the height of the utility structure.

2 A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.

B. In non-residential zoning districts, commercial antennas and antenna support structures are allowed as follows:

1 Commercial antenna support structures are allowed by right if they are thirty-five (35) feet or less in height, and by Specific Use Permit (SUP) if over thirty-five (35) feet in height. In all non-residential zoning districts, antenna support structures must meet the setback requirements from residential districts.

2. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower or elevated water storage tank) exceeding seventy-five (75) feet in height, provided that the antenna does not exceed more than ten (10) feet above the height of the utility structure.

3. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building if it is painted and integrated into the overall architectural design.

LC C. No commercial antenna support structure shall be closer to any residential district boundary line than a distance equal to the sum of 3 to 1 ratio height the required yard specified for the zoning district in which such structure is located. Such distance shall be measured as the shortest possible distance in a straight line from the structure the closest point of a residential district boundary line. Setbacks from residentially zoned property do not apply to antennas attached to utility structures exceeding seventy-five (75) feet in height, or to antennas placed wholly within a building.

8. Antennas Exempt from Regulation

LC A. Unless mounted on a pole or mast that is twenty (20) feet or more in height, direct broadcast satellite, multi-channel multi-point distribution, television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit:

1. In any zoning district, antennas that are one meter (39 inches) or less in diameter;
2. In the RA, B-1, B-2, GI-1 zoning districts, antennas that are two meters or less in size; and
3. In any zoning district, antennas designed to receive television broadcasts;
4. In any zoning district, amateur radio antennas concealed behind, on or within attics, eaves, gutters, or roofing; and
5. In any zoning district, amateur radio ground-mounted whips and wire antennas, unless mounted on a pole or mast over twenty (20) feet in height.

9. Other Regulations

LC A. All commercial signs, flags, lights, and attachments other than those

required for communications operations, structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited on any antenna or antenna structure

- lc B All publicly owned antennas or communication structures shall be permitted in any district
- C Safeguards shall be utilized to prevent unauthorized access to an antenna support structure. Safeguards include those devices identified by the manufacturer of the antenna support structure utilized, a fence, climbing guard or other commercially available safety device.

10 Amateur Radio Antennas and Support Structures

- A Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator are allowed in any district. A building permit is required for antenna support structures of twenty (20) feet or more in height.
- B No amateur antenna support structure or antenna may be greater than fifty (50) feet in height. However, the height of such antenna may be increased to seventy-five (75) feet with the installation of a telescopic or crank-up tower. Upon the issuance of a specific use permit, an amateur antenna support structure or antenna may be constructed to exceed these height limits.
- g C Amateur antenna support structure, antenna or support wires must be located behind the face of the main building. No amateur antenna support structure, antenna or support wires may be located in the required rear or side yard setback. For an amateur antenna support structure or antenna in excess of thirty-five (35) feet, the setback from side setback lines must be increased one foot for every foot the height exceeds thirty-five (35) feet.
- D The bottom section of an antenna support structure may not exceed forty-eight (48) inches in width. An antenna support structure having a bottom section with a width exceeding thirty (30) inches but not greater than forty-eight (48) inches must be of a tapered design.
- E Only one (1) amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit. Excluded from this provision are monopoles four (4) inches or less in diameter used exclusively to support wire antennas.

11 Nonconforming Use

Amateur radio antennas, antenna support structures, bases, masts, and poles in existence or for which a permit was issued prior to the effective date of this Ordinance shall be considered a legal nonconforming use

12. Specific Use Permit

All specific use permits issued for amateur radio antennas or antenna support structures 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.

2. Buffering and screening.

A chain-link fence of not less than eight (8) feet in height from finished grade shall be provided around each tower; however, no such fencing shall be required when a tower is affixed to the roof of a building.

3. Equipment storage.

No equipment, mobile, unmobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.

4. Aircraft hazard.

Towers shall conform to the Federal Aviation Administration regulations as to height and a permit shall be obtained from FAA prior to a permit being issued for construction.

5. All towers shall be designed by a registered professional engineer versed in tower construction. Plans shall bear the engineers seal and shall be submitted with the permit application. Section 1205 of the Standard Building Code shall be adhered to.

Sec. 15-14. HOSPITALS AND CLINICS

In addition to the requirements applicable to hospitals and clinics within districts where such are permitted shall conform to and be property licensed and operated as required by State and Federal regulations, the following requirements and regulations shall be complied with:

1. Hospitals

a. Dimensional requirements

- | | |
|----------------------|----------|
| 1) Minimum lot area | 2 acres |
| 2) Minimum lot width | 200 feet |

- 3) Minimum yard setbacks 100 feet
- 4) Maximum building height of principal structure 35 feet

b. Access. All ingress and egress points shall be to or from arterials.

2. Clinics.

a. Dimensional requirements

- 1) Minimum lot area 10,000 sq. ft.
- 2) Minimum lot width 100 feet
- 3) Minimum yard setbacks
 - a) Front 25 feet
 - b) Side, street 15 feet
 - c) Side, interior 10 feet
 - (1) Where the side yard abuts a residential district 25 feet
 - d) Rear 25 feet
- 4) Maximum building height of principal structure 35 feet

b. Access. All ingress and egress points shall be to or from arterials.

c. Parking. In addition to the required off-street parking requirements for such uses, automobile parking will be permitted in front yard setbacks if separated by at least one hundred (100) feet from any residential dwelling.

Sec. 15-15. Specific Use Permits

all caps

- A The City Council of the City of Canton, Texas, after public hearing and proper notice and after recommendations by the Planning & Zoning Commission, may authorize the issuance of Specific Use Permits for uses indicated hereafter.
- B The purpose and intent of a Specific Use Permit is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare of the community, provided adequate development standards and safeguards are established for such use during the review of a Specific Use Permit application.

~~SECTION 1. SPECIFIC USE PERMITS~~

See 1.1 Application for Specific Use Permit.

Specific use permit applications shall be considered to be applications for rezoning and are therefore subject to all state laws governing notice and hearings for such requests. An application for specific use permit shall be accompanied by narrative detailed site plans and/or building elevations as determined by City staff subsequent to consultation with City staff. When deemed by City staff, five (5) copies of building elevations drawn at a scale of not less than one-eighth (1/8) inch = one (1) foot and site plans drawn at a scale of not less than one (1) inch = (20) feet, with sufficient detail to address the following items, shall accompany the zoning application:

- A Dimensions, area calculations and locations of existing and proposed:
 - 1. Lot lines
 - 2. Front, side and rear yard setbacks.
 - 3. Building exteriors
 - 4. Distance from property line to curb
 - 5. Utility easements
 - 6. Landscaping with details of what is to be removed and what will remain
 - 7. Parking space design including maneuvering.
 - 8. Outside storage areas.
 - 9. Driveways.
 - 10. Overhead doors
 - 11. Sanitation collection facilities.
 - 12. Exterior lighting.
 - ~~13. Overhead doors~~
 - 14. Loading docks
 - 15. Sidewalks.
 - 16. Visual screening
 - 17. Fences
 - 18. Signs
 - 19. Structure height.
 - 20. Flood plain and finished floor calculations.

B Description of construction materials for existing and proposed:

- 1 Parking
- 2 Driveways
- 3 Fences
- 4 Visual screening
- 5 Building exteriors to include percentage of masonry
- 6 Landscaping
- 7 Signs
- 8 Drainage areas and direction of flow

John Cook
256 Dec 20
2/6/56 22
Thomas

C Drafting details:

- 1 Drawing scale
- 2 North arrow
- 3 Legal description of property
- 4 Acreage
- 5 Zoning categories of adjacent parcels
- 6 Vicinity map

1.2 Specific Use Permit Regulations

A. The City Council may approve a Specific Use Permit after review and recommendation by the Planning and Zoning Commission subject to appropriate conditions and safeguards when the Council finds:

- 1 That the proposed use meets all of the minimum standards established in this section and other applicable ordinances. The City Council may in the interest of the public welfare and to ensure compliance with this ordinance, establish conditions of operation, location, arrangement and construction of any use for which a Specific Use Permit is authorized. In authorizing the location of any of the uses listed in requiring a Specific Use Permit, the City Council may impose such development standards and safeguards as the conditions and locations warrant relative to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions. All such conditions shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for the use of the building.
- 2 That the proposed use meets the intent of the district in which it is located, and
- 3 That the proposed use will not be detrimental to the health, safety, and welfare of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to the neighboring property.

B. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with

the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) as approved by the planning and zoning commission and City Council. Applications for specific use permits may be approved without a narrative, detailed site plans and/or building elevations as previously determined. Approval of detailed site plans and/or building elevations may be subsequent to the approval of the specific use permit. No public hearing is necessary for site plan approval unless required by the City Council at the time of approval of the specific use permit.

- C. A building permit shall be applied for and secured within six (6) months from the time of granting the specific use permit; provided, however, the City Council may authorize an extension of this time upon recommendation by the planning and zoning commission. After six (6) months from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan at any time.
- D. No building, premise, or land used under a specific use permit may be enlarged, modified, structurally altered or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, or structural alteration or change.
- E. The Board of Adjustment shall have no jurisdiction to hear, review, reverse, or modify any decision, determination or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- F. When the City Council authorizes the granting of a specific use permit, the zoning map shall be amended to indicate that the affected area has conditional and limited uses and said amendment is to indicate the appropriate zoning district for the approved use and suffix designated by "-SUP"

1.3 Specific Uses by Zoning Districts

Agricultural District (RA)

1. Sand or gravel extraction or storage or other mining activities
2. Driving ranges but not including similar forms of commercial amusement such as miniature golf
3. University, college or parochial school and related facilities (public or private)
4. Sewage treatment plant (privately operated)
5. Boarding or lodging house
6. Campgrounds
7. Carnival or circus (by resolution of City Council for specific time period)
8. Construction office by authority of the building official for specific time periods)
9. Charitable organizations other than churches
10. Asphalt or concrete batching plant (temporary)
11. Garden or farm equipment sales
12. Heliport or helistop
13. Hospital
14. Kennel inside or outside
15. Museum (private)

16. Parking lot
17. Rodeo arena
18. Stadium (public or private)
19. Zoo (public)
20. Airport (public or private)
21. Microwave tower
22. Unconventional construction, including, but not limited to, geodesic dome, earth shelter housing, log cabins, A-frames or flat roof construction
23. Water treatment plant (public operated)

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)

1. Airport (public or private)
2. Asphalt or concrete batching plant (temporary)
3. Charitable organization
4. Churches, lodges, and similar public organizations
5. University, college or parochial school and related facilities (public or private)
6. Hospital
7. Museum
8. Post office
9. Broadcasting facilities, radio, television, microwave, PCS or cellular towers
10. Sewage treatment plant (private)
11. Stadium
12. Unconventional construction including, but not limited to, geodesic dome, earth sheltered housing, log cabins, A-frames or flat roof construction.
13. Group residential home for mildly retarded adults
14. Servant's quarters
15. Water supply reservoir, pumping plants, and towers.
16. Sewage treatment plant (public operated).
17. Water treatment plant
18. Retirement housing for elderly
19. Assisted living facility
20. Continuing care retirement community
21. Frame exterior wall type construction

Restricted Professional and Office District (RPO)

1. Airport (public or private)
2. Broadcasting facilities, radio, television, microwave, PCS, or cellular towers.
3. Cemetery
4. University, college, or parochial school and related facilities.
5. Electric substation, transmission line or other public use utilities.
6. Exhibition hall.
7. Carnival (by resolution of City Council for specific time period)

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- 8 Fairgrounds
- 9 Motel or hotel
- 10 Instrument testing
- 11 Janitor service
- 12 Jeweler, retail
- 13 Laboratory
- 14 Movie theater (indoor)
- 15 Photograph studio
- 16 Rodeo arena
- 17 Service or gas station
- 18 Stadium
- 19 Television studio
- 20 Zoo (public)
- 21 Incidental retail and service uses
- 22 Mortuary or funeral parlor
- 23 Institution for care of alcoholic, narcotic or psychiatric patients
- 24 Restaurant or private club
- 25 Assisted living facility
- 26 Skilled nursing facility
- 27 Continuing care retirement community

Local Business District (B-1)

- 1 Airport (public or private)
- 2 Broadcasting facilities, radios, television, microwave, PCS, or cellular towers
- 3 Cemetery
- 4 University or parochial school and related facilities
- 5 Candle manufacturing
- 6 Candy manufacturing
- 7 Carnival (by resolution of City Council for specific time periods)
- 8 Electric substation, transmission lines or other public use utilities
- 9 Fairgrounds
- 10 Food sales (primarily serving drive-in customers)
- 11 Garden center (with outside storage)
- 12 Heliport or helistop
- 13 Instrument manufacturing or testing
- 14 Rodeo or other sports arena
- 15 Telegraph office
- 16 Zoo (public)
- 17 Indoor amusement (video games)
- 18 Bowling alley
- 19 Office showroom
- 20 Quick service automobile lubrication
- 21 Auto accessories sales and installation
- 22 Car wash
- 23 Commercial amusement
- 24 Bingo parlor

- 25. Antique shop
- 26. Resale/consignment retail shop
- 27. Recreational vehicle sales, service and storage
- 28. Outside display
- 29. Caretaker/security living quarters as an accessory use only
- 30. Retirement housing for elderly
- 31. Assisted living facility
- 32. Continuing care retirement community
- 33. First Monday (tracts less than 10 acres and adjoining existing First Monday Business District zoned property)

General Business District (B-2)

- 1. Airport
- 2. Boat storage
- 3. Broadcasting facilities, radios, television, microwave, PCS, or cellular towers
- 4. Butane storage and sales
- 5. Candle manufacturing
- 6. Candy manufacturing
- 7. Cemetery
- 8. Electronic manufacturing
- 9. Reserved
- 10. Instrument manufacturing or testing
- 11. Kennels (outside)
- 12. Motor freight terminal
- 13. Moving and storage company
- 14. Rodeo or other sports arena
- 15. Heliport or helistop
- 16. Electric substation, transmission line or other public use utility
- 17. Motion picture theater (outdoor)
- 18. Indoor sports, recreation and entertainment
- 19. Automobile, truck or mobile home display or sales (new or used)
- 20. Restaurant (drive-in type)
- 21. Private club
- 22. New and used retail sales
- 23. Skilled nursing facility
- 24. Continuing care retirement community
- 25. First Monday (tracts less than 10 acres and adjoining existing First Monday Business District zoned property)

General Industrial District (GI-1)

- 1. Airport
- 2. Arsenal
- 3. Broadcasting facilities, radios, television, microwave, PCS, or cellular towers
- 4. Cemetery
- 5. Gravel, sandstone or petroleum extraction
- 6. Gun club or shooting range

- 7 Lumber mill
- 8 Other mining activities
- 9 Petroleum products storage
- 10 Planing mill
- 11 Printing plant
- 12 Rooming house
- 13 Coal, coke or wood yard
- 14 Concrete or asphalt batching plant, on temporary basis.
- 15 Drive-in theater (outdoor)
- 16 Sexually oriented businesses
- 17 Gymnastics school
- 18 Commercial amusement
- 19 Major automobile repair conducted entirely inside the primary structure, with no outside parking of partially dismantled vehicles; nor outside storage of parts or equipment at any time
- 20 Truck tire sales and service
- 21 Full service travel plaza
- 22 Expanded full service plaza

ARTICLE ~~16~~¹⁷

GENERAL PROVISIONS

Sec. ~~16~~¹⁷-1. SCOPE

Provisions set forth in this Article apply to the entire corporate area of the City of Canton, Texas, and all zoning districts therein.

Sec. ~~16~~¹⁷-2. ACCESS

1. Use of residentially zoned property for access.

No residentially zoned land shall be used for driveway, walkway, or access purposes to any land which does not abut a public street; which is non-residentially zoned or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the time of adoption of this Ordinance.

2. Access to commercial uses.

Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercially zoned property; provided, however, access may be permitted from any major collector or major thoroughfare and provided further, that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this Ordinance.

3. Facing of commercial uses.

Commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial zone, and shall

not face residential zones which may front on an intersecting or rear street adjacent to such commercial or industrial zone, except where property has been previously zoned commercial or industrial.

17
Sec. 16-3. AUTHORITY TO ENTER UPON PRIVATE PROPERTY

The Building Inspector may in the performance of his functions and duties under the provisions of this Ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Ordinance.

17
Sec. 16-4. BOUNDARIES WHEN PUBLIC PROPERTY ABANDONED

1. For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership lines as determined by virtue of such abandonment.
2. For any public property other than streets or alleys, the regulations applicable to the zoning classifications which abut the abandoned property for the greatest number of lineal feet shall apply to the entire property. For purposes of this subsection, property separated by an intersecting street shall be deemed to abut said abandoned property along the centerline of such street right-of-way.

17
Sec. 16-5. EXCEPTION TO HEIGHT LIMITS

Churchspires, chimneys, water, fire, radio and television towers, smoke

stacks, flag poles, monuments and similar structures and their necessary mechanical appurtenance may be erected above the height limits herein established; however, the heights of these structures or appurtenance thereto shall not exceed the height limitations within any airport flight approach zone and must conform to the Federal Aviation Administration rules and regulations.

17
Sec. 16-6. FLOOD HAZARD AREAS

1. Flood hazard areas shall include all areas subject to inundation by flood waters of the one hundred (100) year frequency as delineated by the November, 1982 Flood Hazard Boundary Map issued by or on behalf of the Federal Insurance Administration, and approved by the Planning and Zoning Commission and City Council.
2. Development and/or use of any areas subject to inundation according to one (1) above shall comply with the regulations and requirements of the zoning district where such is located.

17 -
Sec. 16-7. HOME OCCUPATIONS

1. Home occupations shall include any professional, personal, retail, and business services as defined by this ordinance and meeting the standards and criteria stated below.
2. Persons desiring a permit for a home occupation shall make application for same to the Building Inspector. Such application for a permit shall contain such information as the Building Inspector may require, but, in any event, shall include the following:
 - a. Name of applicant;
 - b. Location of residence where the home occupation will be conducted;

- c. Total floor area of the residence;
- d. Area of room or rooms to be utilized in the conduct of the home occupation;
- e. A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation; and
- f. The exact nature of the home occupation.

The Building Inspector shall determine whether the home occupation is clearly incidental and subordinate to the dwelling unit. If such is the case, the applicant shall take the permit form and obtain signatures from at least fifty-one (51) percent of the property owners living within two hundred (200) feet of the proposed home occupation. Upon return of the permit form, the building inspector shall determine the authenticity and percentage of signatures. If such is the case, a permit for same shall be issued by the Building Inspector. Once said home occupation permit is issued to an applicant, it cannot be transferred to a second applicant through the sale, leasing, or rental of the premises on which said home occupation is located or in any other manner.

3. Any person may seek revocation of a home occupation permit by making application therefore to the Building Inspector, who shall cause an investigation to be made to determine whether the permit holder is conducting said home occupation in a lawful manner as prescribed by this section. In the event that the Building Inspector determines that the permit holder is in violation of the provisions of this section, said permit shall be immediately revoked by the Building Inspector. The decision of the Building Inspector shall be subject to appeal to the Board of Adjustment.

City of Canton Zoning Ordinance
Section 16-7(4). Home Occupations

4. All home occupations shall comply with the following standards and criteria before permits can be issued.
- a. The home occupation shall be conducted only within the principal building;
 - b. No more than one (1) additional person other than the residents residing on the premises shall be employed or engaged in said home occupation at the premises;
 - c. There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign no exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building so used;
 - d. No home occupation shall occupy more space than fifteen percent (15%) of the total floor area of a residence exclusive of any open porch, attached garage, or space not suited for or intended to be occupied as living quarters; provided, however, that in no event shall such home occupation occupy more than five hundred (500) square feet;
 - e. No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises in an area larger than 500 square feet;
 - f. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located anywhere on the premises which might prove hazardous to the public's welfare. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises;
 - g. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;
 - h. No more than one (1) automobile or truck whose size shall not be larger than a stock one (1) ton panel or pick-up truck used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties

the public's welfare. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises;

g. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;

h. No more than one (1) automobile or truck whose size shall not be larger than a stock one (1) ton panel or pick-up truck used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties.

Sec. 16-8. LIVING UNITS IN ZONES OTHER THAN RESIDENTIAL

Dwelling units shall not be permitted in any commercial or industrial districts except as otherwise provided for in this Ordinance.

Sec. 16-9. MINIMUM PROPERTY FRONTAGE

1. In all districts, no building or structure except as hereinafter provided shall be erected on a lot or parcel of land which does not abut a public street for the required minimum lot width of the district where such is located. However, a residential dwelling may be erected on a lot or parcel of land which abuts at least one (1) public or private street for at least fifty (50) feet, except that a minimum street abutment distance of at least twenty-five (25) feet, may apply to properties of an irregular shape bordering curving

streets or cul-de-sacs provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.

Sec. 16-10. NONCONFORMING USES

1. General

Any lawful use of land or a building existing at the date of passage of this Ordinance and located in a district in which it is not permitted under this Ordinance, is hereby declared a nonconforming use, and not in violation of the regulations provided; however, such nonconforming use shall be subject to the regulations in this Article.

2. Certificate of Occupancy

- a. The owner of a nonconforming building or use shall certify by affidavit to the Building Inspector that the building or use was made nonconforming by the passage of this Ordinance;
- b. On acceptance of the affidavit the Building Inspector shall issue a Certificate of Occupancy for the nonconforming use of the building. Such certificate shall designate the location, nature and extent of such nonconforming use and any additional data necessary for issuance of said certificate.
- c. If, upon review of the affidavit, any illegally established violation of previous or existing ordinances or codes is found, the Building Inspector shall not issue said certificate of occupancy and shall declare such use to be in violation of this Ordinance and shall act accordingly.

d. Any use not in conformance with this Ordinance and on which no Certificate of Occupancy has been issued shall be presumed to be in violation of these zoning regulations and shall be treated accordingly.

3. Continuation of nonconforming use of land

Any use of land in legal existence prior to passage of this Ordinance may continue as to its specific use at the time of passage. This shall not, however, limit any other authority of the City in controlling or abating nuisances, hazards, or infringement on public well-being.

4. Change of nonconforming use

a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the Board of Adjustment such new use:

- 1) will not extend the life of a nonconforming use;
- 2) will reduce traffic, sound, odor, smoke, or number of employees;
- 3) will not include structural alteration or expansion;
- 4) will improve the character and value of surrounding property.

Such change in use may be permitted only following formal application for change with the Board of Adjustment. Where proper findings are made, the Board of Adjustment may direct the Building Inspector to issue the necessary permits.

b. Whenever a nonconforming use has been changed to a conforming use, it shall not revert to a nonconforming use.

5. Restoration of nonconforming buildings

- a. Nonconforming buildings may be restored only if destruction caused by fire, explosion or act of God is fifty percent (50%) or less of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the City).
- b. Any building whose destruction exceeds ten percent (10%) but less than fifty percent (50%) of its prior structural valuation, must apply for a building permit for reconstruction within six (6) months and commence reconstruction within twelve (12) months of the date of the described destruction.
- c. In lieu of such reconstruction, the nonconforming use shall be considered abandoned, and such building shall be permitted to be reconstructed as a permitted use only.
- d. All reconstruction shall conform to the Standard Building Code.

6. Discontinuance or abandonment of nonconforming use Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of one (1) year shall thereafter conform to the provisions of this Ordinance.

Sec. 16-11. OFF STREET PARKING AND LOADING REQUIREMENTS

1. Rules for computing number of parking spaces. In computing the number of parking spaces required for each of the uses herein described, the following rules shall govern:
 - a. "Floor Area" shall mean the gross floor area of the specific use;

- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number;
 - c. The parking space requirement for a use not specifically mentioned herein shall be the most restrictive.
 - d. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
 - e. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
2. Parking requirements based on use.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Sub-Section 1), off-street parking spaces in accordance with the following requirements:

a. Residential use requirements:

- 1) Single family dwellings: Two (2) parking spaces per dwelling unit;

- 2) Multiple family dwellings: Two (2) parking spaces per dwelling unit;
- 3) Mobile homes: Two (2) parking spaces per dwelling units.

b. Non-residential use requirements:

1. Barber and beauty shops: Two (2) parking spaces per barber or beauty chair.
2. Bowling alley: Five (5) parking spaces for each alley.
3. Business or professional office, studio or bank: Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500).
4. Child day care center: One (1) storage space for loading and unloading children per every three (3) children based on the center's child capacity plus one (1) parking space for every employee.
5. Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
6. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

Note: Seats without dividing arms shall have their capacity determined by allowing eighteen (18) inches per person

7. Dance hall, assembly or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used therefore.
8. Drive-in banks: Eight (8) storage spaces per every teller window designed to serve drive-in patrons to be provided in the approach lane to each drive-in window or in a common reservoir storage area; provided it does not interfere with other required off-street parking plus one (1) parking space per every three (3) employees.
9. Drive-in cleaners and other similar drive-in facilities not herein specified: Three (3) storage spaces for every drive-in window designed to serve drive-in patrons to be provided in the approach lane to each service window or in a common reservoir storage area; provided it does not interfere with other off-street parking plus one (1) parking space per every three (3) employees.
10. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
11. Gasoline service station: Two (2) parking spaces per each service stall, (a service stall being an area for vehicles maintenance not including washing stalls or areas for pumping gasoline) plus two (2) spaces for employees.
12. Hospital: One (1) parking space for each one (1) bed.

13. Hotel: One (1) parking space for each two (2) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
14. Laundromats and self-service dry cleaning establishments: One (1) parking space per every two (2) washing and/or dry cleaning machines.
15. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or establishments: One (1) parking space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but no less than one (1) parking space for each six hundred (600) square feet of floor area.
16. Medical professional services (medical or dental clinics and offices): One (1) parking space per every two hundred (200) square feet of gross floor area.
17. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
18. Motor-vehicle salesrooms and used car lots: One (1) parking space for each eight hundred (800) square feet of sales floor or lot area.
19. Offices of non-medical professional services and financial institutions (financial and business offices, banks, offices of lawyers, architects, engineers, and other pro-

- professional occupations): One (1) parking space per every three hundred (300) square feet of gross floor area.
20. Private club, lodge, country club or golf club: One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
 21. Restaurant, night club, cafe or other recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
 22. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
 23. Rooming or boarding house: One (1) parking space for each two (2) sleeping rooms.
 24. Sanitarium, convalescent home, home for the aged or similar institutions: One (1) parking space for each six (6) beds.
 25. School, elementary: One (1) parking space for each ten (10) seats in the auditorium or main assembly room or one (1) space for each classroom, whichever is greater.
 26. School, secondary: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
 27. Supermarkets, convenience grocery stores, or self-service food stores containing under two thousand-five hundred (2,500) square feet of gross floor area: One (1) parking space per every one hundred-fifty (150) square feet of gross floor area. 44

duplicate to 27.

~~28~~ Supermarkets, convenience grocery stores, or self-service food stores containing over two thousand-five hundred (2,500) square feet of gross floor area: One (1) parking space per every one hundred-fifty (150) square feet of gross floor area

~~29~~
~~29~~ Theater, auditorium (except school), sports arena, stadium or gymnasium: One (1) parking space for each seat or each eighteen (18) inches of bench seating space.

~~29~~
~~30~~ Tourist home, cabin or motel: One (1) parking space for each sleeping room or suite

~~30~~
~~31~~ Vehicular washing facilities: Three (3) storage spaces per every washing stall to be provided in the approach lane to each washing stall.

~~31~~
~~32~~ Warehousing, manufacturing, and industrial concerns with retail business on premises: One (1) parking space per every three hundred (300) square feet of gross floor area

~~32~~
~~33~~ All First Monday Business Districts shall provide three (3) acres of vehicle parking for every one (1) acre of vendor spaces *(Added 5/21/96)*

3 Location of parking spaces.

All parking spaces herein shall be located on the same lot with the building or use served, except as follows:

- a. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
- b. Not more than fifty (50) percent of the parking spaces required for (1) theaters, bowling alleys, dance halls, night clubs or cafes, and *(continued on page 90)*

not more than eighty (80) percent of the parking spaces required for a church or school auditorium may be provided and used by (2) banks, offices, retail stores, repair shops, service establishments and other uses not normally open, used or operated during the same hours as those listed in (1); provided, however, that written agreement thereto is properly executed and filed as specified below:

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

4. Minimum dimensions for off-street parking.

- a. Ninety Degree Angle Parking. Each parking space shall not be less than nine (9) feet wide nor less than nineteen (19) feet in length. Maneuvering space shall be in addition to parking space and shall not be less than twenty-four (24) feet perpendicular to the building or parking line.
- b. Sixty Degree Angle Parking. Each parking space shall not be less than ten (10) feet wide perpendicular to the parking angle nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall not be less than twenty-two (22) feet perpendicular to the building or parking line.
- c. Forty-Five Degree Angle Parking. Each parking space shall not be less than twelve (12) feet wide perpendicular to the parking angle

nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall not be less than twenty (20) feet perpendicular to the building or parking line.

- d. Alley Parking. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
- e. Additional Parking Space. Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not required shall comply with the minimum requirements for parking and maneuvering space herein specified.

5. Off-street loading space.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

- a. In District "GI-1", one (1) loading space for each ten thousand (10,000) feet or fraction thereof, of floor area in the building.
- b. In District "B-2", one (1) loading space for the first five thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one (1) additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.
- c. Each required loading space shall have a minimum area of at least fifty (50) feet in depth, twelve (12) feet in width and with an over-

hang clearance of not less than fourteen (14) feet, exclusive of access, platform, or maneuvering area to be used exclusively for loading and unloading of merchandise.

Sec. 16-12. PERMITTED BUILDABLE AREA

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory structures may be erected within any building line established for the principal structure and in required rear yards as may be otherwise provided in these regulations.

18
ARTICLE ~~17~~

SITE PLAN APPROVAL PROCESS

18
Sec. ~~17~~-1. PURPOSE

The purpose of these provisions is to promote harmonious functional relationships among the various elements within any development such as the location of activities, vehicular and pedestrian circulation systems and visual form, to insure physical, social, and economic compatibility with neighboring developments and conditions, as well as the community at large and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation by the Planning and Zoning Commission of site plans for all developments of the types listed below. Although certain minimum standards set forth in this Article, such review will permit maximum flexibility in evaluating each plan on its merits and encourage variety and innovation while insuring privacy and safety on all levels.

18 -
Sec. ~~17~~-2. SITE PLAN REVIEW REQUIRED

All site plans involving any new development or construction shall be required to have site plan approval from the Planning and Zoning Commission. Final Planning and Zoning Commission approval of site plans must be achieved prior to issuance of any building permit.

18
Sec. ~~17~~-3. USES REQUIRING SITE PLAN REVIEW

The site plan approval provisions contained herein shall apply to the following zoning districts:

1. All multiple family residential districts with proposed developments of eleven (11) or more units;

2. All mobile home park districts;
3. All commercial and industrial development with one (1) acre or more of land or twenty thousand (20,000) square feet of building (floor) area.
4. All First Monday Business zoned districts *(Added 5/21/96)*

Sec. ¹⁸17-4. CONSIDERATIONS OF PLANNING AND ZONING COMMISSION IN SITE PLAN REVIEW

The Planning and Zoning Commission shall consider the following when reviewing site plans:

1. General character and compatibility, that is the Planning and Zoning Commission shall determine that the proposed development is compatible or in agreement (internally or with surrounding areas) in terms of housing types, yard depths, ground coverage, tree cover, surface drainage, density (in residential developments) and will result in the least possible detrimental impact to the site and surrounding areas and will be designed so as not to cause substantial depreciation of property values, or reduce the safety, light, or general convenience of neighboring developments
2. Ingress to and egress from property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas
3. The location and arrangement of all buildings and structures with regard to setback requirements and special consideration given to aspects such as visual form, sociability, and personal safety with regard to police and fire protection.
4. Environmental aspects with regard to sedimentation, drainage, and flood control and preservation of natural greenery on the site

5. Utilities, with regard to availability and suitability for the use intended, and consideration of hook-in and service locations, including fire hydrants.
6. Screening, buffering and landscaping with regard to the type and dimensions, to preserve the character of surrounding areas and to provide privacy for the site in question.
7. Recreation and open space with attention to the location, size and development of the areas with regard to their usability, adequacy, and their relationship to community-wide open spaces and recreation facilities (for residential developments).

18
Sec. 17-5. SITE PLAN REVIEW PROCEDURES

The following process shall be utilized to obtain approval of site plans:

1. Pre-site plan review conference.

The applicant for site plan review shall meet with the Building Inspector to discuss basic site plan procedures and requirements to consider the elements of the site in question and to proposed development.

2. Administrative processing.

- a. Building Inspector review. Following the pre-site plan review conference, a site plan may be filed with the Building Inspector. The applicant shall submit five (5) copies of the material as indicated in Section 17-6. The material will be distributed to various departments or offices for review and comment relative to their speciality or concern. The comments and recommendations from the various departments and offices will be collected and compiled by the Building Inspector and the site

plan with all recommendations will be presented to the Planning and Zoning Commission for their consideration.

- b. Planning and Zoning Commission Review. The Planning and Zoning Commission shall consider the site plan and determine whether it meets the intent of this Article. The Planning and Zoning Commission shall have forty-five (45) days after receiving the plan in which to review and act thereon. If, at the end of the forty-five (45) days, the Planning and Zoning Commission shall be unable to give approval to the plan, the petitioner may request in writing that the City Council review the site plan for which approval has not been granted. Said written request shall also contain the Commission's reasons for not granting approval. The City Council shall then review the decision of the Planning and Zoning Commission and either approve or disapprove the site plan as submitted to them.

3. Building permit procedures.

Site plan approval, as granted by the Planning and Zoning Commission, shall be effective for a period of six (6) months unless otherwise specified at the time of approval. A building permit must be applied for within this period or the site plan may be deemed null and void. At the end of the six months, at the discretion of the Planning and Zoning Commission, an extension for additional time not to exceed six (6) months may be granted upon formal request at the Planning and Zoning Commission meeting. A building permit may be issued for construction of the development as exactly shown on the final approved site plan. No changes, alterations, or modifications to the approved site plan shall occur unless a final site plan amendment is approved.

18
Sec. 17-6. SITE PLAN REQUIREMENTS

The applicant must submit five (5) copies of the following required materials and information for site plan review:

1. A legal description and drawing of the property under review for site plan approval with a public surveyor seal;
2. Site conditions information, including:
 - a. A topographic map of the site at a scale not smaller than 1" = 100', showing two foot (2') contours;
 - b. Soil type and evaluation for entire site, including consistency, texture, percolation capacity, bearing strength, shrink/swell potential, etc.;
 - c. Means or methods of controlling sedimentation.
3. A site conditions map at a scale not smaller than 1" = 100' showing:
 - a. A location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities, and recreation/open space areas;
 - b. The exact location of all existing public streets, rights-of-way, easements, and other reservations of the land in the area of the property in question and adjacent properties in the same frontage, indicating the locations of buildings and structures on such adjacent properties, means of ingress and egress to such properties, off-street parking, loading and service areas, if any, for or on such properties, and any screening or buffering on such properties and the nature and type thereof;
 - c. The exact location, size, and capacity of all existing utilities, including existing fire hydrant locations;

- d. The exact location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, and storm sewers.
4. A site development plan at a scale not smaller than 1" = 60', showing:
- a. The name of the planner, architect, or designer who prepared the plans, the name of the developer whether it be an individual, group, or corporation, the name of the proposed project or development, a north arrow and date;
 - b. The exact location of all proposed streets, driveways, or other facilities designed to accommodate vehicular movement in the development, points of ingress or egress, parking areas, including the exact number of spaces, and loading and service areas (location of dumpsters) and a traffic impact analysis of projected trip generation for the development;
 - c. The exact locations of all proposed buildings and structures to be included in the development:
 - 1. For commercial or industrial development, an indication of gross floor area of all buildings;
 - 2. For residential development, an indication of the exact number of dwelling units broken down into sizes by bedrooms (number of one-bedroom units, number of two-bedroom units, etc.).
 - d. The manner of drainage of the property, showing the manner of drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities;

e. The percentage of the site that will be covered by building and structures and the percentage that will be covered by streets, drives, parking and loading areas.

5. A development timetable if project is to be constructed in phases.

Sec. ¹⁸27-7. FINAL SITE PLAN AMENDMENTS

Changes, alterations, or modifications to any finally approved site that involves construction, removal, or relocation of a building or structure; redesign or modification of the vehicular or pedestrian circulation system (including all points of access, drives, parking areas, and walkways); modification of all the drainage system, or relocation of any landscaped area shall require approval of the Planning and Zoning Commission in accordance with the procedures described above.

19
ARTICLE ~~18~~

ADMINISTRATIVE AND ENFORCEMENT REGULATIONS

Sec. 18-1. OFFICIAL ZONING MAP

The Official Zoning Map of the City of Canton shall be kept in the office of the City Secretary and one copy shall be maintained in the office of the Building Inspector. It shall be the duty of the City Secretary to keep the Official Map current and the copies thereof, herein provided for, by entering on such maps and changes which the City Council may from time to time order by amendments to the Zoning Ordinance.

The City Secretary, upon the adoption of this Ordinance, shall affix a certificate identifying the map in his office as the Official Zoning Map of the City of Canton. The City Secretary shall likewise officially identify the copies directed to be kept in the office of the Building Inspector.

19
Sec. ~~18~~-2. ENFORCEMENT AND APPLICATION

1. Administrative official.

- a. The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Canton.
- b. The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings of premises necessary to carry out his duties in the enforcement of this Ordinance.
- c. Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on the owner or

contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

2. Requirements for building permit.

All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale with a public surveyor seal, showing:

- a. The actual shape and dimensions of the lot to be built upon.
- b. The exact sizes and locations on the lot of the buildings and accessory building then existing.
- c. The lines within which the proposed building and structure shall be erected or altered.
- d. The existing and intended use of each building or part of building.
- e. The number of families or housekeeping units the building is designed to accommodate.
- f. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

One copy of such plot plans will be returned to the owner when such plans have been approved.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor and the lot shall be staked out on the ground before construction is started.

3. Existing permits and private agreements.

This Ordinance is not intended to abrogate or annul:

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- b. Any easement, covenant or any other private agreement.
4. Preserving rights in pending litigation and violations under existing ordinances.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending be proceeded within all respects.

5. Completion of authorized buildings.

Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of passage of this Ordinance, provided such building was authorized by building permit before the passage of this Ordinance, and further provided construction shall have been started within ninety (90) days of the passage of this Ordinance. Commitments with reference to construction of public utility buildings necessary for proposed expansion of the City made prior to the passage of this Ordinance shall be observed.

19
Sec. 18-3. BOARD OF ADJUSTMENT

The word "Board" when used in this Ordinance shall be constructed to mean the Board of Adjustment.

I. Organization and procedure.

- a. Establishment. A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said Statutes.
- b. Membership. The Board shall consist of five (5) citizens of Canton, each to be appointed or re-appointed by the Mayor and confirmed by the City Council, for staggered terms of two (2) years respectively. Each member of the Board shall be removable for just cause by the City Council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman, who shall serve for a period of one (1) year or until a successor is elected. A quorum shall consist of three (3) members.
- c. Meetings. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- d. Hearings. The hearings of the Board of Adjustment shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.

e. Rules and regulations. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, of failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Building Inspector and shall be a public record.

The Board of Adjustment shall act by resolution in which three members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the Ordinance, and shall furnish a copy of the same to the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

2. Appeals.

a. Procedure. Appeals may be taken to and before the Board of Adjustment by any persons aggrieved, or by any officer, or department of the City. Such appeal shall be made by filing with the Building Inspector a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.

b. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts stated in the certificate, a stay would, in his

opinion, cause imminent peril to life or property, in which case the proceeding shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice of the officer from whom the appeal is taken and on due cause shown.

c. Notice of hearing on appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two-hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and person being determined according to the current tax rolls of the County of Van Zandt. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

d. Decision by board. The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

3. Powers and duties of board.

a. Subpoena witnesses, etc. The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt,

and may require the production of documents, under such regulations as it may establish.

- b. Appeal based on error. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decisions or determination made by the Building Inspector in the enforcement of this Ordinance.
- c. Special exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows or elsewhere in this Ordinance:
 - 1) Permit the erection and use of buildings.
 - 2) To permit a public utility or public service use of structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
 - 3) To permit a transitional use between a business or industrial and residential district where the side of a lot in a single family or multiple family district abuts upon a lot zoned for business or industrial purposes as follows:
 - a) On a lot in a single family district which sides upon a lot zoned for business or industrial purposes, the Board may permit a two-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.

- b) Provided, however, that in no case shall any transitional use have a width of more than one hundred (100) feet.
- 4) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.
- 5) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make necessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- 6) Permit land within three hundred (300) feet of a multi-family dwelling to be improved for the parking spaces required in connection with a multi-family dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multi-family dwelling.
- 7) To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.
- d. Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and

so that the spirit of this Ordinance shall be observed and substantial justice done, owing to and including the following special conditions:

- 1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
 - 2) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Community Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.
- e. Changes. The Board shall have no authority to change any provisions of this Ordinance, and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

19
Sec. 18-4. CERTIFICATES OF OCCUPANCY

1. Certificates of Occupancy shall be required for any of the following:
 - a. Occupancy and use of a building hereafter erected or structurally altered.
 - b. Change in use of an existing building to a use of a difference classification.
 - c. Occupancy and use of vacant land, except agricultural use.
 - d. Any change in the use of a nonconforming use.

No such occupancy, use or change of use or connecting any utilities, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Inspector.

2. Procedures for new or altered buildings.

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said Certificate shall be issued within three (3) days after all final inspections have been made of the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

3. Procedures for vacant land or a change in use.

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for same has been made.



4. Contents and filing of certificate of occupancy.

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

5. Temporary certificate.

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or the City relating to the use of occupancy of the premises or any other matter covered by this Ordinance.

19
Sec. 18-5. AMENDMENTS

1. Petition.

Any person or corporation having a proprietary interest in any property may petition the City Council for a change, supplement or amendment to the provisions of this Ordinance or the Planning and Zoning Commission may on its own motion or on request from the City Council institute a study and proposal for changes, supplements and amendments in the public interest.

2. Procedures.

a. The City Council may, from time to time, amend, supplement, or

change by ordinance the districts or the regulations herein established.

- b. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the proposed revisions to the Planning and Zoning Commission for its recommendations and report.

The Planning and Zoning Commission shall hold a public hearing on any request for any amendment, supplement or change prior to making its recommendation and report to the City Council.

- c. Written notice of all public hearings before the Planning and Zoning Commission on any proposed amendment, supplement, or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved County tax roll.
- d. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one time in a paper of general circulation in the City of Canton, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- e. Unless a proposed amendment, supplement, or change has been approved by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by

the owners of twenty (20) percent or more of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, or of those immediately adjacent on either side of the area of said lots extending two hundred (200) feet therefrom, such change shall not become effective except by favorable vote of four-fifths (4/5) of all the members of the City Council.

3. Limitation of resubmission of petition.

No amendment, supplement, or change or repeal of any section of this Ordinance which has been legally rejected by both the City Council, and the Planning and Zoning Commission shall be again considered either by the City Council or the Planning and Zoning Commission on an appeal or petition by an appellant or request before the expiration of one (1) year from the date of the original action.

19
Sec. 18-6. INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

19
Sec. 18-7. 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.

19
Sec. 18-8. SEVERABILITY

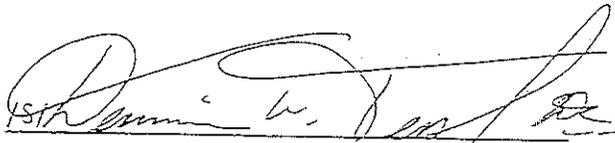
If any section, subsection, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

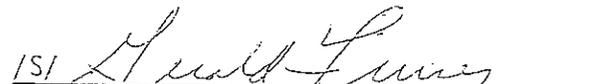
19
Sec. 18-9. CONFLICTING ORDINANCES REPEALED

All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

PASSED AND APPROVED THIS 4TH DAY OF OCTOBER, AD 1985.

APPROVED:


MAYOR


CITY SECRETARY

ARTICLE ²⁰/₁₉

SEXUALLY ORIENTED BUSINESSES
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GENERAL PROVISIONS

§ 19.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS*

ADULT BOOKSTORE or *ADULT VIDEO STORE.* A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS*; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with *SPECIFIED SEXUAL ACTIVITIES*

ADULT CABARET. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity;

(2) Live performances which are characterized by the exposure of *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS*; or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS*.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS* and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films; motion pictures, video cassettes, slides or other photographic reproductions are regularly shown which are characterized by the depiction or description of *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS*.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of *SPECIFIED SEXUAL ACTIVITIES* or *SPECIFIED ANATOMICAL AREAS*.

DIRECTOR OF PUBLIC SAFETY. The Director of public safety or his or her designated agent

CHURCH. A building in which persons regularly assemble to worship, intended primarily for purposes connected with faith or for propagating a particular form of religion.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association, who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT. This term means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business

LICENSEE. A person in whose name a license to operate a sexually oriented business has been issued as well as the individual listed as an applicant on the application for a license.

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays *SPECIFIED ANATOMICAL AREAS* is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or a *STATE OF NUDITY.* This term means:

(1) The appearance of a human bare buttock, anus, male genitals, female genitals or female breast; or

(2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.

PERSON. An individual, partnership or corporation or other entity.

REGULATIONS. The provisions of this chapter, as it may be amended from time to time.

SCHOOL. A building where persons regularly assemble for the purpose of instruction or education, together with playgrounds, dormitories, stadium and other structures or grounds used in conjunction therewith and is limited to public and private schools used for preschool, primary, secondary or college education and child care facilities.

SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SEXUALLY ORIENTED BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS. Human genitals in the state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES. Any one of the following: human genitals in a discernible state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breasts; or any combination of the foregoing.

SUBSTANTIAL ENLARGEMENT. In a sexually oriented business, this term means the increase in floor area occupied by the business by more than 25%, as the floor area exists on the effective date of this subchapter

TRANSFER OF OWNERSHIP OR CONTROL. A sexually oriented business means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control

§ 19.02 PURPOSE.

It is the purpose of this subchapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations and zoning of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market

§ 19.03 CLASSIFICATION.

Sexually oriented businesses are classified as follows:

- (A) Adult arcades;
- (B) Adult bookstores or adult video stores;
- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;

- (F) Adult theaters;
- (G) Escort agencies;
- (H) Nude model studios;
- (I) Sexual encounter centers

§ 19.04 EXCEPTIONS.

The regulations contained in this chapter do not apply to the following:

- (A) Any business opened by or employing psychologists, physical therapists, athletic trainers, masseuses, cosmetologists or barbers licensed by the State of Texas and performing functions authorized under the licenses held;
- (B) Any business operated by or employing physicians, osteopaths, nurses or chiropractors, licensed by the State of Texas, engaged in practicing the healing arts; and
- (C) Any retail business whose major business is the offering of wearing apparel for sale to customers

§ 19.05 LOCATION.

(A) The location of sexually oriented businesses is hereby allowed, subject to the distance, zoning and licensing requirements within this code of ordinances

(B) Before the issuance of a permit, the applicant must certify that the proposed business will be located within a General Industrial Zoning District and a minimum of 1,500 feet from the following:

- (1) Child care facility;
- (2) Church or place of worship;
- (3) Dwelling;
- (4) Hospital;
- (5) Building in which alcoholic beverages are sold;
- (6) Public facility;

- (7) Public park;
- (8) School;
- (9) Existing licensed sexually oriented business

(C) Each sexually oriented business may have one (1) wall sign per business, or each building façade 30 sq. feet maximum. The total area of all signs per façade must not exceed the area standard set forth above for the cumulative sum of all wall signs. Pole signs shall not exceed 25 feet in height and a maximum of 24 sq. feet per face with a minimum height of eight (8') feet from the bottom of the sign to the ground. Signs shall not depict, either by sight or sound, any specific sexual activity or specified anatomical areas.

§ 19.06 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

(A) A person who operates or causes to be operated a sexually oriented business which exhibits on the premises, in a viewing room less than 400 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements

(B) Upon application for a sexually oriented business license, the application shall be accompanied by diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Director of public safety may waive the foregoing diagram for renewal applications if the application adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(C) The application shall be sworn to be true and correct by the applicant.

(D) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director of public safety.

Adopted 2/15/2005

(E) It is the duty of the owner and/or operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(F) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(G) It shall be the duty of the owner and/or operator, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified remains unobstructed by any doors, walls, merchandise, display racks or other materials at all to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(H) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor level.

(I) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

§ 19.07 ADDITIONAL REGULATIONS FOR ADULT MOTEL.

(A) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this subchapter.

(B) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, he or she rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or subrents the same sleeping room again.

(C) For purposes of division (B) of this section, the terms *RENT* or *SUBRENT* mean the act of permitting a room to be occupied for any form of consideration.

LICENSES

§ 19.20 LICENSE REQUIRED.

(A) All sexually oriented businesses to be operated within the city shall first obtain a valid license under the provisions of this subchapter

(B) A license shall only be issued for sexually oriented businesses that fulfill the locational requirements of § 19 05.

§ 19.21 DISPLAY OF LICENSE.

A license issued under these regulations shall be displayed at all times in an open and conspicuous place on the premises of the sexually oriented business for which it was issued.

§ 19.22 APPLICATION.

(A) Any person desiring a license shall file a sworn written application on a form provided by the Director of public safety. The application shall set forth the following:

(1) The name of the applicant and whether the applicant is an individual, general partnership, limited partnership, corporation or other entity;

(2) The name under which the sexually oriented business is to be operated and a general description of the services or products to be provided;

(3) The address and legal description of the parcel of land on which the sexually oriented business is to be located;

(4) The name, resident address and telephone number of the manager or other individual to be principally in charge of the operation of the sexually oriented business;

(5) A written declaration that the information contained in the application is true and correct;

(6) If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by all of the partners thereof. If the applicant is a corporation or other entity, the

application shall be signed and verified by the President and the Treasurer of such corporation or entity

(B) In addition, the application shall be accompanied by the following:

(1) Payment of the license fee, as provided in this subchapter;

(2) A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act (Tex. Rev. Civ. Stat., Business and Commerce Code, §§ 36 01 *et seq.*) if the applicant is to operate the sexually oriented business under the assumed name;

(3) If the applicant is a Texas corporation, a certified copy of the Articles of Incorporation, together with all amendments thereto, shall be filed;

(4) If the applicant is a foreign corporation, a certified copy of the certificate of authority to transact business in the state, together with all amendments thereto, shall be filed;

(5) If the applicant is a foreign or limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Limited Partnership Act (Tex. Rev. Civ. Stat., Art. 6132a-1);

(6) A complete list of persons employed by the sexually oriented business, including their age, date and place of birth, social security number, driver's license number and salary or wage rate. This list shall be updated monthly by a verified report to the Director of public safety, listing all of the above information for any employees hired during the previous month;

(7) A detailed development plan which describes the dimensions and location of the sexually oriented business and clearly shows it to be in compliance with the locational requirements of § 19 05

§ 19.23 INVESTIGATION, ISSUANCE OR DENIAL OF LICENSE.

(A) Upon receiving an application for a license, the Director of public safety, or his or her designee, shall conduct an investigation for the purpose of determining whether the requirements of this subchapter have been satisfied. The Director of public safety shall coordinate this investigation in order to determine if the application complies with the locational and sign requirements as set forth in these regulations. The Director of public safety shall deny the application for a license if any requirement of this subchapter is not satisfied

(B) The Director of public safety shall deny the application for a license if one or more of the following is determined to be true:

(1) An applicant is under 18 years of age;

(2) An applicant or an applicant's spouse is overdue in payment to the city of sales taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business;

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this subchapter, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application, the fact that a conviction is being appealed shall have no effect;

(5) The license fee required by this subchapter has not been paid;

(6) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers;

(7) The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department and the Building Official as being in compliance with applicable laws and ordinances;

(8) An applicant or an applicant's spouse has been convicted of a crime:

(a) Involving:

1. Any of the following offenses as described in the Tex Penal Code, §§ 43 01 *et seq.*: prostitution, promotion of prostitution; aggravated promotion of prostitution; obscenity; sale, distribution or display of harmful material to minors; sexual performance by a child; possession of child pornography; employment harmful to minors;

2. Any of the following offenses as described in Tex. Penal Code, §§ 21 01 *et seq.*: indecent exposure; indecency with a child;

3. Sexual assault or aggravated sexual assault as described in Tex. Penal Code, §§ 22.01 *et seq.*;

4. Incest, solicitation of a child or harboring a runaway child as described in Tex. Penal Code, § 25 01 *et seq.*; or

5. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses;

(b) For which:

1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;

3. Less than five years have elapsed since the date of the last conviction, or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(C) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse

(D) An applicant who has been convicted or whose spouse has been convicted of an offense listed in division (B) of this section may qualify for a sexually oriented business license only when the time period required by that subsection has elapsed.

(E) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(F) The Director of public safety shall notify each applicant of their eligibility for a license within 20 days of receipt of the completed application. If the applicant complies with the provisions of these regulations, then the Director of public safety shall issue a license. In the event that an applicant fails to comply with these regulations, then the applicant shall be so notified and be entitled to a hearing held pursuant to the provisions of this subchapter.

§ 19.24 FEE.

ADOPTED 2/15/2005

The applicant shall pay an annual fee for a sexually oriented business license in the amount of \$250.00. No portion of any fee collected under this section shall be returned after a license has been issued or denied.

§ 19.25 TRANSFER OF LICENSE.

A license shall not be transferred to another, nor shall a license holder operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

§ 19.26 EXPIRATION AND RENEWAL OF LICENSE.

Each license shall be effective when issued and shall be renewable annually upon filing an application as provided for herein. All licenses are renewable on the anniversary date of each year succeeding the year in which they are first issued.

§ 19.27 ENFORCEMENT AND INSPECTION.

(A) The Director of public safety, or his or her designee, shall have the power to administer and enforce the provisions of these regulations upon presentation of proper identification to the owner, agent or tenant in charge of any premises where a sexually oriented business is located. The Director of public safety, or his or her designee, may enter for the purposes of inspection or investigation to insure compliance with the terms of these regulations any building, structure or other premises where the sexually oriented business is located at any time it is occupied and open for business.

(B) A person who operates a sexually oriented business or his or her agent or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by a representative of the Director of public safety at any time it is occupied or open for business.

(C) However, when the Director of public safety, or his or her designee, is denied permission to inspect any premises, inspection shall be made only under the authority of a warrant issued by a Magistrate authorizing the inspection for violations of these regulations. In applying for such a warrant, the Director of public safety, or his or her designee, shall submit an affidavit to a Magistrate setting forth his or her belief that a violation of these regulations exists with respect to the premises sought to be inspected and the reasons for such belief. The affidavit shall designate the location of such operator or occupant thereof. If the Magistrate finds that a probable cause exists for a search of the premises, such warrant describing the premises with sufficient certainty to identify the

same. A warrant so issued shall constitute authority for the Director of public safety, or his or her designee, to enter upon or inspect the premises described therein.

§ 19.28 SUSPENSION AND REVOCATION OF LICENSES.

(A) The Director of public safety is granted and shall have the power to suspend any and all licenses authorized by these regulations, subject to the requirement of § 19 27, if he or she determines that licensee or employee of a licensee has:

- (1) Violated or is not in compliance with any provision of this chapter;
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this subchapter;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises; or
- (5) Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(B) The Director of public safety is granted and shall have the power to revoke any and all licenses authorized by these regulations, subject to the requirements of § 19 27, if he or she determines that:

- (1) A licensee gave false or misleading information in the material submitted to the Director of public safety during the application process;
- (2) A licensee or any employee has knowingly allowed possession, use or sale of controlled substances on the premises;
- (3) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
- (4) A licensee has been convicted of an offense listed in § 19 23(B) for which the time period required in that subsection has elapsed;
- (5) On two or more occasions within a 12-month period a person or persons committed an offense occurring in or on the licensed premises of a crime in § 19 23(B)(6) for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;

(6) A licensee or an employee has knowingly allowed any specified sexual activities to occur in or on the sexually oriented business premises; or

(7) A licensee is delinquent in payment to the city for taxes, fees, fines or penalties.

(C) Additionally, the Director of public safety shall revoke a license if a cause of suspension as listed in division (A) of this section occurs and the license has been suspended within the preceding 12 months.

§ 19.29 NOTICE, HEARING AND APPEAL.

The City Manager, or his or her designee, shall conduct a hearing prior to the suspension, revocation or denial of any license authorized under these regulations. The person whose license is under consideration shall be given at least ten calendar days written notice prior to the date of the hearing, unless such notice is waived by the applicant and shall be permitted to present relevant facts and legal argument regarding the pending revocation or denial. Following such hearing, the City Manager, or his or her designee, shall consider the merits of the case and shall present a written opinion prior to any action. Any person wishing to appeal the decision of the City Manager, or his or her designee, regarding the suspension, revocation or denial of a license may, within ten days after the date of the written opinion filed by the City Manager, or his or her designee, appeal such decision to the City Council of Canton, by written notice to the City Manager setting out the basis of such appeal. The City Council shall hold a hearing on the license suspension, revocation or denial within ten days of the receipt of written notice of appeal; provided, however, that the appearing party shall be required to comply with the decision of the Director of public safety, or his or her designee, during the pendency of the appeal.

§ 19.30 AMORTIZATION OF NONCONFORMING USES.

(A) Any use in conflict with the purposes or terms of this subchapter shall be entirely discontinued and shall thereafter cease operation within five years from the date any such use becomes nonconforming under this subchapter. If such nonconforming use is discontinued, interrupted or changed, or any future use is discontinued, interrupted or changed, any future use of such land shall be in conformity with the provisions of this subchapter.

(B) All existing sexually oriented businesses, even nonconforming uses under this subchapter, are required to be licensed and shall apply for a license within 60 calendar days of the date of passage of this subchapter. All existing sexually oriented businesses must be in compliance with the provisions of these regulations and secure a license within 90 calendar days of the passage of this subchapter.

(C) The issuance of a yearly license hereunder shall not affect the amortization of nonconforming uses as provided herein.

§ 19.31 UNLAWFUL ACTS.

(A) *False or fraudulent statement* It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, or in any way knowingly to conceal any material act or to give or to use any assumed name or fictitious name other than the one duly filed for record in compliance with the Assumed Business or Professional Name Act (Tex Business and Commerce Code Annotated, §§ 36.01 *et seq.*).

(B) *Use of another's license unlawful.* It shall be unlawful for any individual, partnership, corporation or other entity to use a license which has been issued to another individual, partnership, corporation or other entity

(C) *Unlawful to deface, alter and the like a license.* It shall be unlawful for any person to counterfeit, forge, change, deface or alter a license.

(D) *Violation deemed a misdemeanor* Where authorized by law, the violation of any provision of these regulations will be considered a misdemeanor

Penalty, see Section 4.

§ 19.32 NOT TO LEGALIZE ANYTHING PROHIBITED BY STATE LAW OR CITY ORDINANCE.

These regulations do not legalize anything prohibited under the Tex Penal Code or any other state law or city ordinance. Further, any violation of the Tex. Penal Code or other state law or city ordinance shall be deemed grounds for revocation of the license issued

APPENDIX

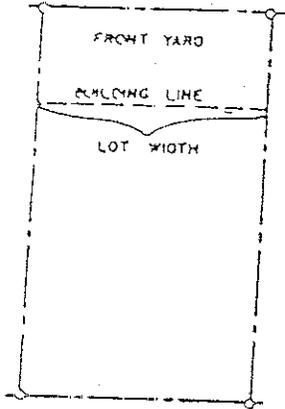
DISTRICT DIMENSIONAL REQUIREMENTS

| CODE | DISTRICT | MIN. LOT AREA/D.U. | MIN. LOT WIDTH | MIN. LOT DEPTH | MIN. FRONT SETBACK | MIN. SIDE SETBACK | MIN. SIDE STR. STBK. | MIN. REAR SETBACK | MAXIMUM HEIGHT | MAXIMUM D.U./ACRE |
|------|--|--------------------|----------------|----------------|--------------------|-------------------|----------------------|-------------------|----------------|--------------------------|
| RE | AGRICULTURAL DISTRICT | 5 ACRES | 150 FT. | | 25 FT. | 25 FT. | 25 FT. | 25 FT. | 35 FT. | |
| R-1 | SINGLE FAMILY DETACHED LOW DENSITY DISTRICT | 10 000 SQ. FT. | 80 FT. | 125 FT. | 30 FT. | 8 FT. | 15 FT. | 20 FT. | 35 FT. | 4.36 |
| R-2 | SINGLE FAMILY DETACHED MEDIUM DENSITY DISTRICT | 7 500 SQ. FT. | 75 FT. | 100 FT. | 25 FT. | 8 FT. | 15 FT. | 20 FT. | 35 FT. | 5.81 |
| MF-1 | MULTIPLE FAMILY RESIDENTIAL DISTRICT | | | | | | | | | SEE ARTICLE 8 7 TO 12 |
| MH-1 | MOBILE HOME PARK DISTRICT | | | | | | | | | SEE ARTICLE 9 8 |
| MH-2 | MANUFACTURED HOUSING DISTRICT | 5 000 SQ. FT. | 50 FT. | 90 FT. | 25 FT. | 7.5 FT. | 15 FT. | 20 FT. | 35 FT. | 8.71 |
| B-1 | LOCAL BUSINESS DISTRICT | | NO LIMITATIONS | | 25 FT. | 0 FT. | 15 FT. | 0 FT. | 35 FT. | - |
| B-2 | GENERAL BUSINESS DISTRICT | | NO LIMITATIONS | | 25 FT. | 0 FT. | 15 FT. | 0 FT. | 35 FT. | - |
| FMB | FIRST MONDAY BUSINESS DISTRICT | | | | | | | | | SEE ARTICLE 13 |
| I-2 | GENERAL INDUSTRIAL DISTRICT | | NO LIMITATIONS | | 25 FT. | "B/C" 20 FT. | 25 FT. | "B/C" 10 FT. | 35 FT. | |

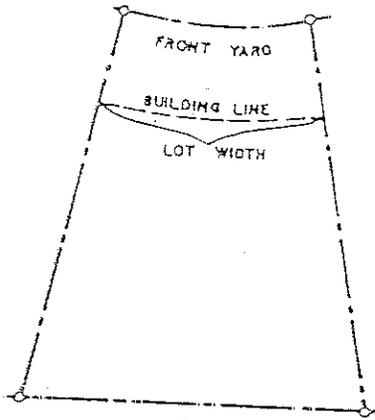
DISTRICT DIMENSIONAL REQUIREMENTS DESCRIPTIONS

- D.U. - Dwelling Unit
- D.U./ACRE - Dwelling Units per acre, in the zone, under our ownership including streets, parks, etc.
- "A" - Minimum yard setbacks for a principal structure from any residential district boundary shall be 25 feet.
- "B" - Minimum yard setbacks for a principal structure from any residential district boundary shall be 50 feet.
- "C" - Minimum yard setbacks for a principal structure from any residential district boundary shall be 0 feet.

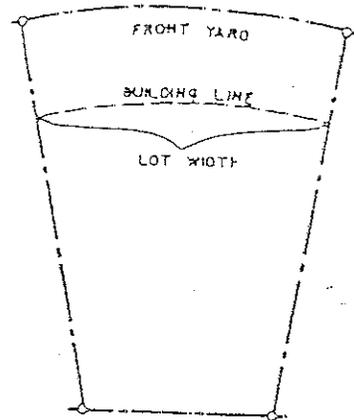
1. LOT WIDTH



(A)

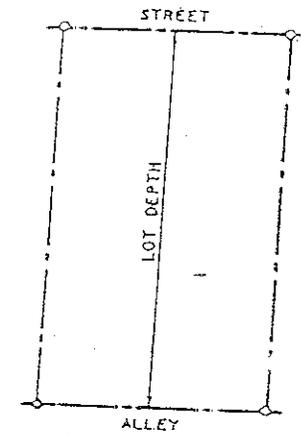


(B)

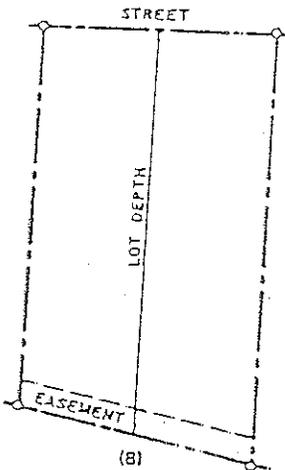


(C)

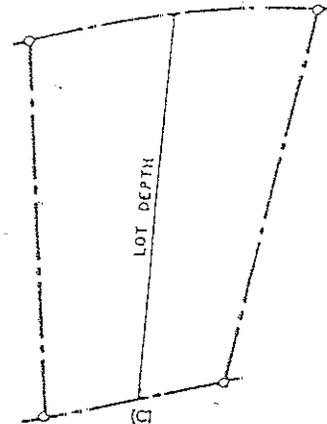
2. LOT DEPTH



(A)

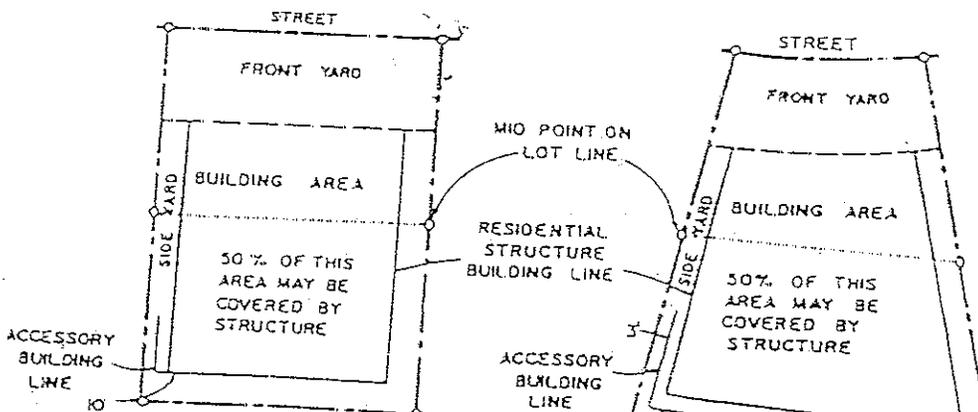


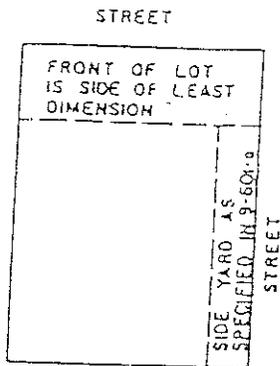
(B)



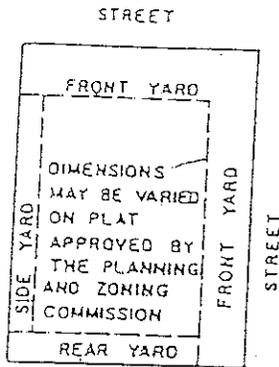
(C)

3. YARDS

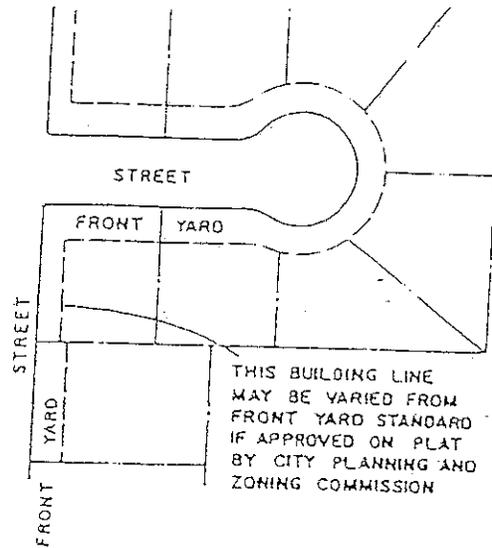




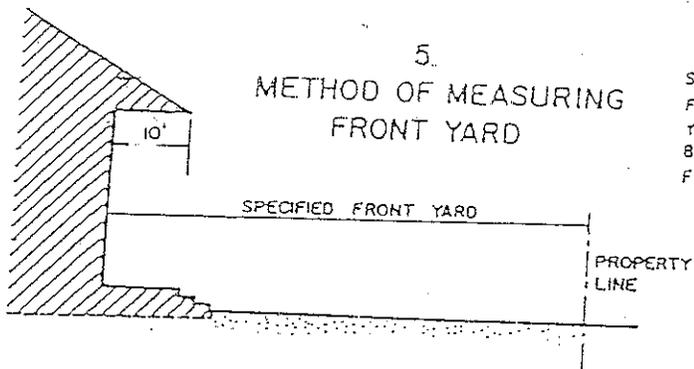
LOT PLATTED PRIOR TO EFFECTIVE DATE OF ORDINANCE



LOT PLATTED AFTER EFFECTIVE DATE OF ORDINANCE

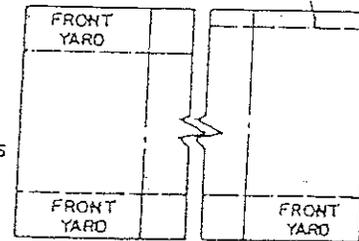


4. CORNER LOT

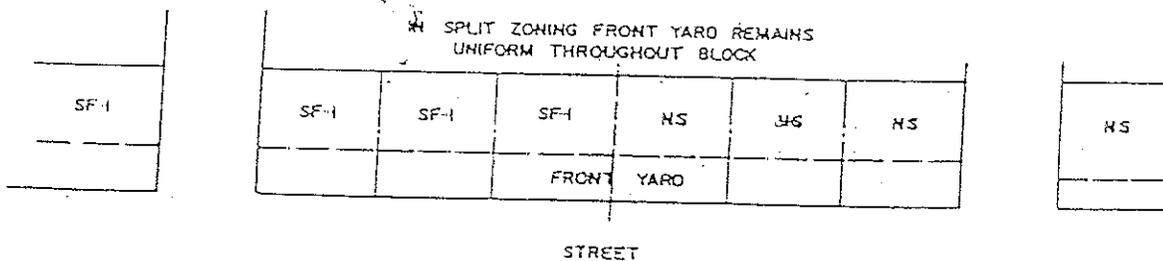


5. METHOD OF MEASURING FRONT YARD

STANDARD FRONT YARDS BOTH FRONTAGES



6. DOUBLE FRONTAGE LOTS



7. FRONT YARD WHERE ZONING

INTERPRETATION AVERAGE FRONT
YARD WHERE YARD DEPTH VARIES

Basis of Computation
Existing Buildings

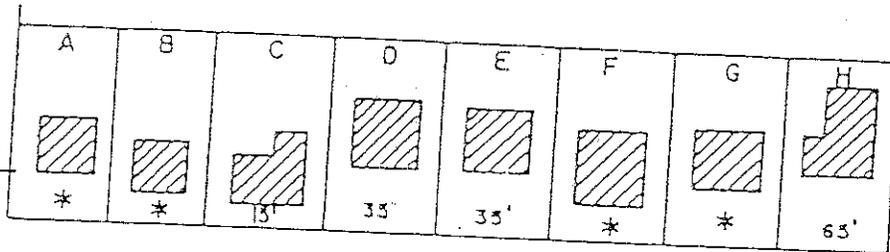
| | |
|------|----------|
| Lots | Set Back |
| C | 15' |
| D | 35' |
| E | 35' |
| H | 65' |

Computed Minimum Set Backs

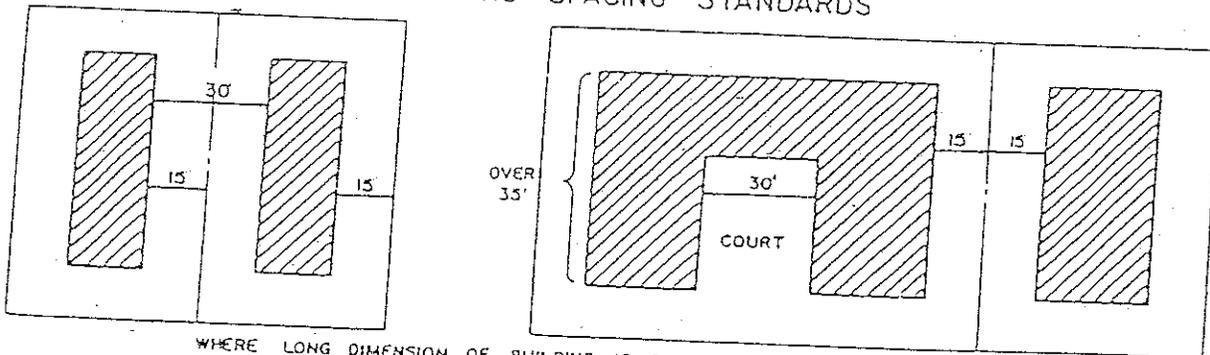
| | | |
|---|--------|-----------------------------------|
| A | 31.25' | average |
| B | 25' | need not set back over 10' from C |
| C | 15' | existing |
| D | 35' | existing |
| E | 35' | existing |
| F | 31.25' | average |
| G | 41.25' | need not set back over 10' from F |
| H | 65' | existing |

* Other lots by 9 - 502(e), 4 = 25'
Average Line = 31.25'

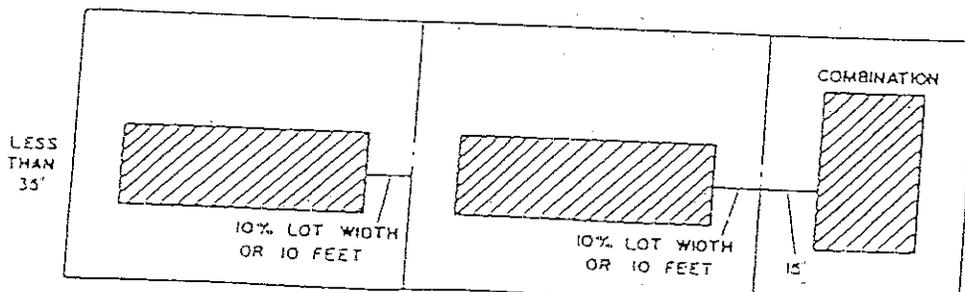
Average Line
Computed as
31.25 Feet



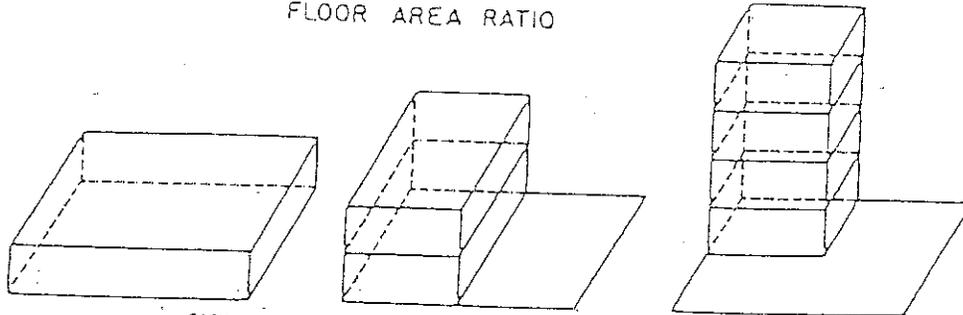
SPECIAL APARTMENT SIDE YARD
AND SPACING STANDARDS



WHERE LONG DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD

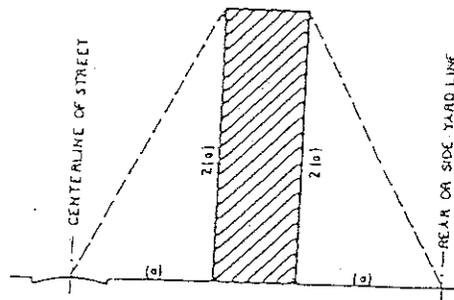


10.
FLOOR AREA RATIO



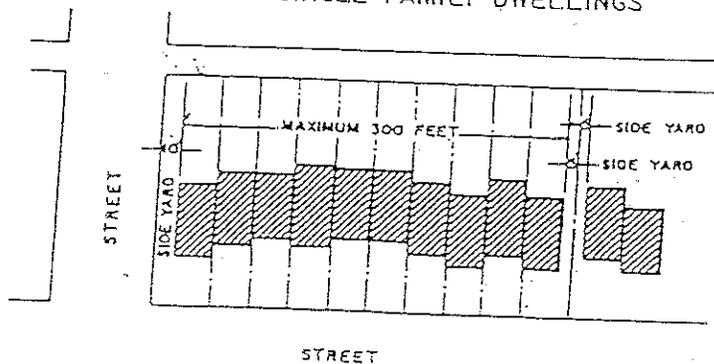
EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

11.
SET BACK STANDARDS HIGH RISE
APARTMENT & SIMILAR STRUCTURES



WHEN HEIGHT EQUALS $2(w)$, FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF w . SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF w WHEN HEIGHT IS $2(w)$. IN NO CASE NEED w EXCEED FIFTY (50) FEET

12.
SIDE YARD STANDARDS
ATTACHED SINGLE FAMILY DWELLINGS



ORDINANCE NO. 94-04
SUBDIVISION REGULATIONS

AN ORDINANCE ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OF LAND INTO SUBDIVISIONS IN THE CITY OF CANTON, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CANTON, TEXAS, AND REQUIRING PLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COUNCIL OF THE CITY OF CANTON; DEFINING TERMS; FORBIDDING TRANSFERS OF LAND WITHOUT COMPLYING WITH THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PARTIAL VALIDITY OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary for the purpose of promoting health, safety, and general welfare of the citizens of the City of Canton and promoting the same, orderly and healthful development of the City of Canton and the area within the extraterritorial jurisdiction of the City of Canton and to lessen congestion in proposed streets, and to provide adequate light and air, and to prevent overcrowding of land, and to avoid undue concentration of population, and to facilitate the adequate provision for water, sewerage, and other utilities, that a platting and development ordinance be promulgated for the City of Canton, and

WHEREAS, the rules and regulations as herein set forth governing the platting of land into subdivisions in the City of Canton and the land within the extraterritorial jurisdiction of the City of Canton are herein promulgated and adopted in accordance with Acts 1927, 40th Leg., p. 342, ch-231; as amended, Acts 1949, 51st Leg., p. 321, ch-154; as clarified Acts 1951, 52nd Leg., p. 745, ch-403; same being codified as Article 947a, and Article 6626, Vernon's Texas Civil Statutes; and the provisions of Section 4 of the Municipal Annexation Act (compiled as Article 970a), Vernon's Annotated Civil Statutes; and,

WHEREAS, the City of Canton herewith and hereby adopts, ratifies, and promulgates all the intent, purposes, and power of said Articles, as amended, and expressly vests such powers not otherwise prohibited in the City Council; and further herewith and hereby adopts as the general plan, as contemplated by Section 4 of said Article 974a, for the growth and extension of the City of Canton, subject, however, to any future modifications and changes thereof that may be adopted by official actions of the City Council necessitated by future growth, progress, and unforeseen exigencies;

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

SECTION 1. GENERAL

Before any plan, plat, or replat of a subdivision or addition of land inside the City of Canton or within the extraterritorial jurisdiction of the City of Canton shall be recorded with the County Clerk of Van Zandt County, it shall first be approved by the City Council of the City of Canton, in conformity with Art. 974a, V.A.C.S. and the provisions of this

Ordinance. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this Ordinance even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plan, plat or replat without complying with the requirements of this Ordinance, or the transfer of land by the filing of any instrument in the nature of a conveyance without having first complied with the requirements of this Ordinance, shall be deemed a violation of the provision of this Ordinance. There is however, excepted from the provisions of this Ordinance any conveyance transferring any land or interest in land to or from the State of Texas, County of Van Zandt, City of Canton, Texas, Canton Independent School District or any other independent or common school district or water control and improvement district within the area

SECTION 2. DEFINITIONS

- A. COUNCIL shall mean the City Council of Canton, Texas.
- B. EXTRATERRITORIAL JURISDICTION: Within the terms of the Texas Municipal Annexation Act, the term "extraterritorial jurisdiction" means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Canton, the outer boundaries of which are measured from the extremities of the corporate limits of the City of Canton, outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City. The extraterritorial jurisdiction of the City of Canton is one-half mile from the City limits
- C. STREETS AND ALLEYS: The term "street" means a way for a vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however designated
 - 1. Major Thoroughfares or Arterial Streets: are principal traffic arteries more or less continuous across the City which are intended to connect remote parts of the City and which are used primarily for fast or heavy volume traffic
 - 2. Collector Streets: are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
 - 3. All Others: are those which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited district.
 - 4. Alleys: are minor ways which are primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- D. SUBDIVISION: A subdivision is the division of any lot, tract or parcel of land into two or more parts, lots or sites for the purpose, whether immediate or future, of sale or division of ownership. This definition also includes the re-subdivision of land or lots which are a part of a previously recorded subdivision. Division of land for agricultural purposes, and where no building

construction is involved, in parcels of five acres or more shall not be included within this definition of subdivision, unless any such subdivision of five acres or more includes the planning or development of a new street or access easement. An addition is a subdivision as is defined herein.

- E. SUBDIVIDER AND/OR DEVELOPER: The terms "Subdivider" and "Developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee, servant, and trustee thereof, who does, or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this Ordinance. The singular shall include the plural, and the plural shall include the singular.
- F. SHALL AND MAY: As used herein, the word "shall" is mandatory; the word "may" permissive.
- G. DEFINITION: One not expressly prescribed herein is to be determined in accordance with customary usage in Municipal Planning and Engineering practices.

SECTION 3. PROCEDURE AND PLAT REQUIREMENTS.

- A. Presubmission Conference: Prior to the submission of the preliminary plat, the subdivider shall confer with the Planning and Zoning Commission on an informal basis to discuss the proposed plat and its conformity to the Comprehensive Plan and its relationship to surrounding property, streets, etc.
- B. Preliminary Plat: Following the presubmission conference, all persons desiring to subdivide a tract of land within the area above described shall first prepare and submit to the City Manager of the City of Canton, Texas, not less than four days prior to any Council meeting at which such plat is to be considered, the following information which shall be certified by a state registered professional engineer or by a state licensed or registered land surveyor:
 - 1. Four copies of a preliminary plat showing the general features of the proposed development. This preliminary plat shall be drawn on a scale of 100 feet to the inch and shall show the following:
 - a. The outline of the tract the plat is proposed to subdivide with the principal dimensions. Boundary lines shall be drawn in heavy for easy identification.
 - b. The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, schools, churches, etc., with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed, at any time, even though it is intended by the developers, or developer to file plats and install improvements for parts of said tract by sections or units. If it is the intent to develop the area by sections or units, the first unit to be developed shall be definitely identified.

- c. The location, width, and name of existing streets and any blocks, lots, alleys, easement, building lines and watercourses or other natural features in area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than 200 feet.
 - d. The names of proposed streets. Such names shall conform to the names of existing streets or (of) which they may be or become extensions or otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.
 - e. The location of existent sewers, water and gas mains and other public utilities, if any.
 - f. Proposed general plan for storm water drainage sufficiently detailed to indicate the location of drainage ditches or structures and the direction of flow.
 - g. Any zoning district affecting the area being platted or any proposed changes in zoning for which application will be made.
 - h. The name of the proposed subdivision, North point, scale and date.
 - i. The name of the owner or owners and the engineer or engineers
 - j. Vicinity sketch or key map at a scale of not more than 800 feet to the inch which shall show all existing subdivisions, streets and tracts of acreage in the area and the general drainage plan, ultimate destination of water and possible storm sewer connections by arrows.
 - k. Typical cross-section of proposed street improvements and water and sewer installations where required.
 - l. The approximate acreage of the property to be subdivided.
 - m. Topographical information with contour lines at two foot intervals.
2. On receipt of the preliminary plat and other information the Council shall render a decision thereon within 21 days. Such decision may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat, subject to conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider.
3. When a preliminary plat has been approved, the subdivider may thereafter file a final plat of the section or sections intended for immediate development. The remainder of the preliminary plat shall be considered approved or conditionally approved as provided above for a

period of one year, and for such additional period as the Council may elect. Where a preliminary plat has been approved and the subdivider fails to file a final plat of the subdivision or a section thereof within a period of three months, the approval of the primary plat shall be void.

C. Final Plat: After the foregoing procedure has been complied with, and a preliminary plat approved by the Council, the subdivider shall prepare and file with the Council the following information:

- 1 The original and five copies of the final plat of the subdivision or section to be developed. All final plats shall be drawn in india ink on tracing cloth or plastic tracing sheets 24 x 30 inches and to a scale of one inch equals 100 feet. Where more than one sheet is required, an index sheet of maximum size, 24 x 30 inches, shall be filed showing the entire subdivision. Where the area to be developed can be drawn on a sheet one-half size or less with the scale of the drawing remaining one inch equals 100 feet, a sheet 24 x 15 inches may be used.
 - a. The title or name by which the subdivision is to be identified, the acreage in the subdivision, North Point, the scale of the map, and the name of the state registered professional engineer or state licensed or registered land surveyor responsible.
 - b. A definite legal description and identification, Volume and Page reference to County Deed Records of the tract being subdivided; this description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale.
 - c. The boundaries of the subdivided property, the location or destination of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivision shall be indicated by a heavy line equivalent to a No. 5 reservoir pen and shall be tied by dimension to the established centerline of all existing boundary streets.
 - d. The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.
 - e. All lot, block, and street boundary lines, with blocks and lots numbered or lettered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of all streets shall be shown, measured at right angles or radially, where curved.
 - f. Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the site shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions shall be shown by bearings. Curved boundaries shall be fully described and all essential information given; circular curves shall be defined by actual radius and not by

degree of curve. Complete dimensional data shall be given on fractional lots

- g. The location and description of all lot and block corners and permanent survey reference monuments. Such corners and monuments shall be of three-quarter inch iron pipe or five-eighths inch iron rod and shall meet the following standards:
 - 1. Lot corners shall be 24 to 30 inches long with the top set flush with the ground.
 - 2. Block corners shall be 24 to 30 inches long set in concrete with the top set flush with ground and shall include the beginning and end of all curves within each block.
 - 3. Reference points shall be 24-30 inches long placed one foot below the surface of the finished ground elevation at suitable locations throughout the subdivision. There shall be at least as many reference points as there are blocks in the subdivision but not less than two and the distance between successive monuments along any street or reference line shall not be greater than 1,000 feet. Reference points shall be other than and in addition to markers set for block or lot corners.
 - h. A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgement shall be in the form required in conveyance of real estate. Approval and acceptance of all lienholders shall be included
 - i. A certificate by the responsible surveyor or engineer in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. If the surveyor or engineer who prepared the plat did not make the boundary survey, this fact should be noted in the certificate. Also, the certificate should show whether or not the tract is within the extraterritorial jurisdiction of the City of Canton, (one-half mile) measured in a straight line from the nearest points on the City limits, unless the information is shown in suitable manner elsewhere on the face of the plat.
 - j. The final plat submitted to the Council and to be filed for record with the County Clerk shall not show construction features such as curblines or public utility lines or other structures not involved in the title covenant
2. Upon the filing of the said final plat, the Council shall render a decision thereon within 30 days of receipt thereof. Said decision may consist of approval, disapproval, or conditional approval as defined in Sect. III, B, 3, hereof. Reasons for disapproval or conditional approval shall be stated by the Council in writing. When a plat is conditionally approved,

the subdivider may subsequently refile the final plat meeting the objections or imposed conditions and the Council shall within five days thereafter authorize the Mayor to sign said final plat, provided it meets objections or imposed conditions.

3. On approval of the plat by the Council, it shall be signed in the space provided for and delivered to the City Manager of the City of Canton, Texas, who shall hold the approval plat and all copies until the following has been complied with:
 - a. The City's Building Inspector Engineer has certified to the Council that all of the improvements required of the subdivider under the terms of this Ordinance has been completed, or
 - b. When the subdivider has delivered to the City Manager of the City of Canton a signed copy of a firm contract for the construction of the streets with curbs and gutters and storm sewers, and the money to cover the cost of the other improvements within the subdivision or addition, as is provided for under the terms of this Ordinance; and has entered into a contract as to reimbursements, if any, as hereinafter provided
4. Upon the delivery of the plat by the City Manager of the City of Canton, the same shall be filed with the County Clerk of Van Zandt County, Texas.

SECTION 4. DESIGN STANDARDS

A. Streets:

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the general plan for the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Where such is not shown in the general plan for the City, the arrangement of streets in the subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding area, or
 - b. Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable
3. Minor streets shall be so laid out that their use by through traffic will be discouraged
4. Where a subdivision abuts or contains an existing or proposed arterial

street, the Council may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations
6. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Council.
7. Street jogs with centerline offsets of less than 125 feet shall be avoided.
8. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets
9. Streets shall be laid out so as to intersect as nearly as possible at right angles
10. Property lines at street intersections shall be rounded with a radius of 20 feet or of a greater radius where the Council may deem it necessary.
11. Street right-of-way widths shall be as shown in the general plan for the City and where not shown therein shall be not less than as follows:

| Streets: | Right-of-way width: |
|---------------------|---------------------|
| Major thoroughfares | 100 feet |
| Collector | 60 feet |
| All others | 50 feet |

12. Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway of at least 80 feet and a street property line diameter of at least 100 feet. In cases where this will work a hardship on a property owner-developer, it may be extended to a longer length street.
13. Street grades shall be established with due regard being had for topography, contemplated land uses, and the existing City drainage plan and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be five-tenths of one percent. No land shall be rejected for subdivision purposes for failure to provide for

greater street grade than that contained in this Ordinance.

14. The flood design section for roadways shall be taken from back of curb to back of curb, provided that in no case shall the height of curbs for subdivision be more than eight inches. The run-off factor used in design of storm sewers shall be a minimum of Talbot's and Rational Formula.

B. Alleys:

1. Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provisions are made for service across such as off-street loading, unloading, and parking consistent with adequate for the uses proposed.
2. The minimum width of an alley shall be 20 feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
4. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Council.

C. Easements:

1. Easements across lots or centered on rear of side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.
2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse; and such further width of construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

D. Blocks:

1. The lengths, widths; and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot sizes and dimension.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.

2. Block lengths shall not exceed 1,000 feet.

E Lots:

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use required under the Zoning Ordinance
2. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. When such lots side upon a major thoroughfare or collector street, a note to this effect shall be properly entered on the plat to be recorded.
3. The subdividing of the land shall be such as to provide by means of a public street each lot with satisfactory access to an existing public street.
4. Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation
5. Side lot lines shall be substantially at right angles or radial to street lines

SECTION 5. REQUIRED IMPROVEMENTS.

A. General:

1. When a preliminary plat of a subdivision has been approved by the Council, the developer may submit to the City's Consulting Engineer and Water Superintendent of the City, plans and specifications for all improvements pertinent to said subdivision. The City's Consulting Engineer and/or Water Superintendent of the City, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of this Ordinance, or disapprove same, giving his reasons therefore to the subdivider
2. Before beginning any construction of the improvements outlined in this section on proposed roadways or public utilities pertaining to any subdivision coming under the provisions of this Ordinance, four complete sets of plans and specifications of such construction (in the form of plats, sketches or other satisfactorily written descriptions) shall be filed with the City Water Superintendent of the City of Canton. These shall show such features as roadways, cross-sections and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground.
3. All improvements shall be installed within all of the area of any

subdivision of portion thereof given final approval, and at the cost to the developer

4. All improvements shall be designed and constructed in conformity with the provisions of this Ordinance and no construction shall be commenced until this Ordinance is so complied with.

B. Minimum Standards: The following minimum standards for improvements shall apply and shall be agreed to and complied within each subdivision or addition where approved public water supply is reasonably accessible or procurable:

1. Pavement:

- a. All roadways shall be paved in accordance with the plans and specifications furnished by the City's Consulting Engineer.
- b. Width of paving for the various types of streets, including curbs shall not be less than the following:

| Street Type: | Pavement width: |
|---------------------|-----------------|
| Major thoroughfares | 60 feet |
| Collector | 40 feet |
| All Other | 30 feet |

2. Combined curb and gutters shall be constructed on each side of each street of each subdivision in accordance with plans and specifications which shall be furnished by the City's Consulting Engineer.
3. Water lines: Where an approved public water supply is reasonably accessible or procurable, each lot within the subdivided area shall be provided with access to such water supply immediately adjacent thereto, at cost to developer. The installation of all water lines within the subdivided area shall be constructed in accordance with plans and specifications furnished by the Water Superintendent or the City's Consulting Engineer, who shall, in designing same, give due consideration to further development and adequate fire protection for the subdivided area. The City may construct and install the sewer lines at cost to developer, if so requested by the Developer.
5. No connection for either water or sanitary sewer service shall be made available to any subdivision or to any lot located in any subdivision, the plat of which has not been fully and finally approved and filed in accordance with this Ordinance.

SECTION 6. WATER CONNECTIONS RESTRICTED.

Neither the City of Canton nor any other person, firm or corporation distributing water which is subject to the jurisdiction and control of either the City of Canton or the rules and regulations of the City of Canton governing the distribution of water shall make any connections to any residence, business, building or other structure upon any

subdivided area, the subdivision of which has not been accomplished in accordance with the terms and provisions of this Ordinance

SECTION 7. EXCEPTIONS.

- A. Where any street forms any part of the boundary line of the subdivision, and some part of the width of said street has been dedicated or committed to dedication or committed to improvement, then the subdivider shall be required to dedicate and/or improve the balance of the width of such street, but otherwise, no improvements shall be required as a prerequisite to the approval for an existing dedicated street forming a boundary of a subdivision
- B. When any lot or a portion of a lot or portions of lots aggregating one tract larger in width and/or size than the average lot in the block in which the same is located are conveyed as a single unit for a single use purpose from a previously legally platted subdivision, no replat shall be required.

SECTION 8 VARIANCES.

Where the City Council of the City of Canton, Texas, finds that extraordinary hardships may result from a strict compliance of this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations. Such variances and modifications as may be granted shall be at least a two-thirds majority of the Council.

STANDARD SPECIFICATIONS FOR STREET
CONSTRUCTION FOR THE CITY OF CANTON, TEXAS

- A. General: The City of Canton has chosen to follow, in general, the specifications of the Texas Highway Department for street construction. The designated specifications are numbered and described in the booklet entitled, "Standard Specifications for Construction Highways, Streets, and Bridges", adopted by the Texas Highway Department, January 3, 1972. The specifications contained therein, and in all future editions or revisions thereto, as hereinafter mentioned, are hereby made a part of this document by reference and all conditions pertaining hereto shall apply.

The applicable THD specifications are as follows:

1. Roadway Excavation - Items 110, subhead 110.1, 110.2 (1), 110.3, 110.4, and 110.5
 2. Sprinkling - Item 204, subheads 204.1, 204.2, and 204.3.
 3. Rolling, (Flat Wheel) - Item 210, subheads 210.1, 210.2, and 210.3
 4. Rolling, (Tamping) - Item 211, subheads 211.1, 211.2, and 211.3.
 5. Rolling, (Pneumatic line) - Item 213, subheads 213.1, 213.2, and 213.3
 6. Iron Ore Base - Item 240, subheads 240.1 through 240.5.
 7. Prime Coat - Items 310 and 312, subheads 310.1 through 310.3 and 312.1 through 312.3.
 8. Hot Mix Asphaltic Concrete Pavement - Item 340, subheads 340.1 through 340.6; Item 350, subheads 350.1 through 350.6.
 9. Concrete Structures - Item 420, subheads 420.1, 420.2, 420.3, 420.6, 420.9, 420.10, 420.11, 420.12, 420.13, 420.14, 420.19, 420.21, 420.22, 420.23, 420.24, and 420.25.
 10. Concrete For Structures - Item 421, subheads 421.1 through 421.13.
 11. Reinforced Concrete Pipe Culverts - Item 464, subheads 464.1 through 464.4.
 12. Concrete Curb and Gutter - Item 522, subheads 522.1 through 522.5.
- B. Laboratory Testing and Control: The services of a professional independent testing laboratory such as East Texas Testing Laboratory, Inc shall be required to conduct all testing and control required for street construction as outlined herein. The cost of all professional services furnished by the independent laboratory for street construction shall be paid by the Contractor or Developer. The independent testing laboratory to be retained shall be approved by the City of Canton in writing before

any work is started.

The independent testing laboratory shall perform all required density tests on the subgrade and iron ore base; shall test all concrete used and shall provide on site laboratory control during all batching of concrete; shall design the asphalt mix to be used on the project and shall have a representative present at the batch plant at all times asphaltic concrete or structural concrete is being mixed for use on this contract.

The Contractor shall notify the testing laboratory at such time as he deems the subgrade is sufficiently compacted to meet the density requirements. The laboratory shall then make the required density tests on the subgrade and report the written results to both the Contractor and the Engineer.

The Contractor shall notify the testing laboratory at such time he deems the iron ore base is sufficiently compacted to meet the density requirements. The laboratory shall then make the required density tests on the iron ore base and report the written results to both the Contractor and the Engineer.

The Contractor shall notify the laboratory each time structural concrete is to be poured on this job in order that proper batch control may be exercised.

The Contractor shall notify the laboratory each time hot mix asphaltic concrete is to be laid in order that proper batch control may be exercised.

The Contractor shall notify the laboratory at least 24 hours in advance for any of the testing required as described above.

- C. **Excavation and Preparation of Subgrade:** All excavation shall be "unclassified road excavation" and shall include all materials encountered regardless of their nature and the manner in which they are removed. All excavation shall be done in accordance with the lines and grades shown on the plans and as established by the Engineer. All cut and fill shall be made within the limits of the street right-of-way, and the fill shall be deposited in the locations established by the Engineer's grade stakes.

Before the iron ore gravel base is applied, the Contractor shall prepare the subgrade so that it is shaped to the proper shape and is smooth and hard. The Contractor shall scarify the subgrade to a minimum depth of 6 inches and then compact the subgrade to 95 percent modified AASHO density by using sheep foot or other approved type rollers. Density tests shall be made at not more than 300 foot intervals by an independent testing laboratory. The cost of all laboratory testing shall be paid by the Contractor. In the event portions of the subgrade are unstable, the Contractor shall remove the unstable material, replace it with select material and compact the subgrade until it is acceptable.

Under no conditions shall the Contractor begin to place base material on finished subgrade until such time as the density tests have been made and the results of the tests have been approved by the Engineer as meeting these specifications.

- D. **Disposal of Excavation:** All excavated materials shall be disposed of a fill where required to obtain the required grade.

In the event that a surplus of excavated material remains after all required roadway fill has been made, the Contractor shall dispose of the surplus material. It shall be the responsibility of the Contractor to obtain site or sites for disposing of said excess material.

- E. **Iron Ore Base Material:** The material used for the iron ore base shall conform to T.H.D. Specification, Item 240, Grade 2, except that there shall be a minimum of 45 percent to 85 percent of the material retained on a no. 40 mesh sieve; the liquid limit of such iron ore base material shall not exceed 35, and the plasticity index shall not exceed 12.

The Contractor must make his own investigations concerning the availability and location of iron ore sources.

Samples from each pit must be tested by the independent laboratory and results of such tests shall be approved by the Engineer before the pit shall be accepted for use on this project.

The iron ore base shall be placed on the properly prepared subgrade and shall be wetted, bladed, and rolled in place until 95 percent modified AASHO density is obtained. Density tests shall be made at not more than 300 foot intervals by the independent testing laboratory. The iron ore base shall be the width between the gutters of on the concrete curb and the gutter width and shall have a compacted thickness of not less than 6 inches at any point on the roadway. The final shape of the base shall provide a slope of 6 inches from the center line of the roadway to the outer edge of the base material.

Under no conditions shall the Contractor prime the iron ore base nor begin placing the asphalt wearing surface until the density tests have been made and the results of the tests have been approved by the Engineer as meeting these specifications.

- F. **Asphalt Wearing Surfaces:** The Contractor shall apply a prime coat of asphalt to the iron ore base on the section of new street which has been constructed.

1. **Prime Coat:** The Contractor shall apply a prime coat of asphalt to the iron ore base before the asphalt wearing surface is applied. Before the prime coat of asphalt is applied, the "set-up" iron ore base shall be thoroughly swept to remove all dust, foreign matter, and all loose material. The prime coat shall be applied in a uniform application with an approved type sprayer or distributor at a rate of 0.25 gallons per square yard. The asphalt shall be RC-2 or MC-1. In the event RC-2 is used, it shall be covered with a thin layer of fine sand and allowed to cure completely before the asphalt wearing surface is applied.
2. **Asphalt Wearing Surface:** The asphalt wearing surface shall be applied at a rate of 150 pounds of material per square yard of surface area. At this rate of application one ton of material will cover approximately 13 33 square yards of surface area and the application will result in a 1 1/2 inch thick surface. The material shall be hot mix asphaltic concrete.

The hot mix asphaltic concrete material shall meet all requirements of T.H.D. Specification Item 340, Type D, with a Hveem stability of not less than 35 and

a minimum asphaltic content of 4.5 percent. The Contractor shall have the mix designed and the mixing plant operations controlled by the independent testing laboratory. The Contractor shall not place any hot mix asphaltic concrete on this job except that which was mixed under direct supervision of the independent testing laboratory. Any material which was not batched under laboratory supervision will not be accepted and will be removed from the job immediately.

The asphaltic materials shall be placed with a lay down machine manufactured especially for such work. The material may be dumped in piles and spread by hand in those places where the spreading machine is not practical to use such as intersections. In any case, the resulting surface material must be finished smoothly and conform to the shape of the roadway. Under no condition will an uneven or grooved surface be acceptable nor will spreading of the material by means of a maintainer blade be approved. The finished wearing surface of the asphaltic pavement shall have a compacted thickness of not less than 1 1/2 inches at any point of the roadway.

- G. Class "A" Concrete: Class "A" concrete shall be mixed in the ratio of 1:2:3, using one part cement, two parts fine aggregate, and three parts coarse aggregate, and shall contain not less than 5.0 bags of cement per cubic yard of concrete with a maximum water content of 6.5 gallons of water per bag of cement.

1. Materials:

a. Cement:

- (1) High-early strength Portland cement: Where the plans and specifications call for high-early strength concrete, the cement shall meet the standard specifications of the A.S.T.M. Serial Designation C74.
- (2) Storage: Cement shall be stored in a weathertight structure with the floor raised not less than one foot from the ground in such a manner as to permit easy access for proper inspection and identification of each shipment. Cement that has hardened, become lumpy, or partially set shall be removed from the site and not used.
- (3) Mixing brands: When cement from more than one manufacturer is purchased, each pour shall be made using only one brand of cement.

b. Aggregates:

- (1) General: The fine and coarse aggregates shall be relatively free of deleterious substances. The fine and coarse aggregates when subjected to five alternations of the sodium sulfate soundness test (A.S.T.M. designation C88) shall not show an average weight loss of more than 10 percent for the fine aggregate, and 13 percent for the coarse aggregate, unless evidence satisfactory to the Engineer is furnished that

the concrete of comparable proportions, in which similar materials from the same sources were used, has been exposed to natural weathering for a period of at least 5 years without appreciable disintegration.

- (2) Fine aggregate: Fine aggregate shall consist of sand having clean, hard, durable, uncoated grains free from deleterious substances, and shall range in size from fine to coarse within the following percentages by weight:

| | |
|-----------------------|----------------|
| Passing no. 4 sieve | 95-100 percent |
| Passing no. 16 sieve | 45- 70 percent |
| Passing no. 50 sieve | 15- 30 percent |
| Passing no. 100 sieve | 3- 8 percent |

The volume removed by sedimentation shall be not more than 3 percent. Not more than 35 percent shall pass a standard sieve and be retained on the next smaller standard sieve.

- (3) Coarse aggregate: Coarse aggregate shall consist of crushed stone, gravel, or other approved inert materials with similar characteristics or combination thereof, having clean, hard, durable, uncoated particles free from deleterious matter. After acceptance of a grading, a variation in the amount passing any sieve size of more than 10 percent of the total will not be permitted. The grading shall be within the following percentages, by weight:

| | |
|----------------------------|----------------|
| Passing a 1 1/2 inch sieve | 95-100 percent |
| Passing a 3/4 inch sieve | 35- 70 percent |
| Passing a 3/8 inch sieve | 10- 30 percent |
| Passing a no. 4 sieve | 0- 5 percent |

The Engineer may at any time require delivery and stockpiling of the coarse aggregate in two sizes divided on the 3/4 inch sieve. When the aggregate is required to be so divided, the two sizes shall be used in such proportions that the combined aggregate will meet the grading given above.

- (4) Storage: Fine and coarse aggregate shall be stored separately and in such manner as to prevent segregation of sizes and to avoid the inclusion of dirt and other foreign materials in the concrete. Fine aggregate shall be stockpiled at least 24 hours

Aggregate which has been mixed with dirt, wood, or other foreign matters shall be rejected.

- c Mixing Water: Mixing water shall be clean and free from oil, acid, sewage, or other injurious amounts of organic matter, alkalies, or other salts.

H. Concrete Construction: All concrete and reinforcing steel used in this project shall conform with Texas Highway Department Specifications, Items 470 and 520. All concrete shall be class "A"

1. Curb and Gutter and Concrete Headers: Curb and gutter shall be a monolithic structure having a 6 inch curb and an 18 inch gutter as shown on the plans. The finish shall be on the original mixture and the use of topping absolutely will not be allowed.

Expansion joints shall be used at 32 foot intervals and the entire work shall be flagged at least every 8 feet. All joints shall be cut well into the concrete with the proper cutting tool and all flag joints and outer edges shall be neatly rounded and finished with special tools.

All concrete used for curb and gutter shall be class "A" concrete having a minimum of 5.0 bags of cement per cubic yard. The concrete shall be kept wet by using mats or approved curing compound. The mats shall be kept wet for a period of not less than seven days after pouring.

In the event that the subgrade for curb and gutter is excavated below the required subgrade elevation, the backfill shall be made with selected soil and compacted to 95 percent modified AASHO density. Density tests will be required in all places where excess excavation occurs.

The concrete headers shall be 6 inches wide by 12 inches deep and shall be flush with the finished street surface. The concrete for the headers shall be class "A" concrete having a minimum of 5.0 bags of cement per cubic yard and the curing process shall be the same as described for curb and gutter above.

2. Retards and Headwalls: Retards shall be located as shown on the plans and a headwall shall be constructed at each end of the storm sewer pipe.

All concrete for these structures shall be class "A" concrete having a minimum of 5.0 bags of cement per cubic yard of concrete. Curing shall be the same as specified for curb and gutter.

3. Concrete Valley Gutters: The Contractor shall construct concrete valley gutters at the locations shown on the plans.

These valley gutters shall be constructed 4 feet wide and 6 inches thick. They shall be reinforced with number 4 reinforcing bars spaced 12 inches on center in each direction.

The valley gutter shall be a monolithic structure; the finish shall be on the original mixture and the use of topping absolutely will not be allowed.

All concrete shall be class "A" concrete having a minimum of 5.0 bags of cement per cubic yard. The concrete valley gutters shall meet all requirements of T.H.D. Specifications, Item 522. The concrete shall be

kept wet by use of mats or approved curing compound for a period of not less than seven days after pouring.

4. Testing: The Contractor shall employ the services of an independent laboratory to test all aggregates to be used in the concrete and design the mix for the class "A" concrete to be used. These mix designs are to be submitted to the Engineer for approval before any concrete is poured on the job.

A set of sample cylinders for a compression test is to be made for every 20 cubic yards of concrete poured and in no case less than one set per pour. These cylinders shall be prepared and cured in accordance with Texas Highway Department specifications.

A set of cylinders shall consist of three cylinders; one to be broken in seven days, one to be broken in 28 days and one spare to be broken only if deemed necessary by the Engineer. The cost of all laboratory design, control and testing shall be paid by the Contractor.

- I. Concrete Pipe: All concrete pipe used for the storm sewers shall be reinforced concrete pipe and shall conform to ASTM designation C-76. All pipe shall be class III pipe, Gifford-Hill or approved equal. The reinforced concrete pipe and the installation of this pipe shall be as set forth in the Texas Highway Department Specification, Item no. 464.

The Contractor shall construct a headwall of class "A" concrete at each end of each reinforced concrete culvert.

APPROVED AND PASSED BY THE CANTON CITY COUNCIL THIS, THE 18th DAY OF January, 1994.



RICHARD W. LAWRENCE, MAYOR

ATTEST:



Michelle Wilson, City Secretary

AN ACT

1-1 relating to prohibiting the recording of a plat or replat of a
1-2 subdivision of real property if ad valorem taxes are delinquent.
1-3

1-4 BE IT ENACIED BY THE LEGISLAIURE OF THE STATE OF IEXAS:

1-5 SECTION 1. Section 12.002, Property Code, is amended by
1-6 amending Subsections (a), (b), (c), (e), and (f) and adding
1-7 Subsection (g) to read as follows:

1-8 (a) The county clerk or a deputy of the clerk with whom a
1-9 plat or replat of a subdivision of real property is filed for
1-10 recording shall determine whether the plat or replat is required by
1-11 law to be approved by a county or municipal authority or both. The
1-12 clerk or deputy may not record a plat or replat (~~requiring~~
1-13 ~~approval~~) unless it is approved as provided by law by the
1-14 appropriate authority and unless the plat or replat has attached to
1-15 it the documents required by Subsection (e) or by Section 212.0105
1-16 or 232.023 [~~232.0035~~], Local Government Code, if applicable. If a
1-17 plat or replat does not indicate whether land covered by the plat
1-18 or replat is in the extraterritorial jurisdiction of the
1-19 municipality, the county clerk may require the person filing the
1-20 plat or replat for recording to file with the clerk an affidavit
1-21 stating that information.

1-22 (b) A person may not file for record or have recorded in the
1-23 county clerk's office a plat or replat of a subdivision of real
1-24 property unless it is approved as provided by law by the
2-1 appropriate authority and unless the plat or replat has attached to
2-2 it the documents required by Section 212.0105 or 232.023
2-3 [~~232.0035~~], Local Government Code, if applicable.

2-4 (c) Except as provided by Subsection (d), a person who
2-5 subdivides real property may not use the subdivision's description
2-6 in a deed of conveyance, a contract for a deed, or a contract of
2-7 sale or other executory contract to convey that is delivered to a
2-8 purchaser unless the plat or replat of the subdivision is approved
2-9 and is filed for record with the county clerk of the county in
2-10 which the property is located and unless the plat or replat has
2-11 attached to it the documents required by Subsection (e) or by
2-12 Section 212.0105 or 232.023 [~~232.0035~~], Local Government Code, if
2-13 applicable.

2-14 (e) A person may not file for record or have recorded in the
2-15 county clerk's office a plat or replat of a subdivision of real
2-16 property unless the plat or replat has attached to it an original
2-17 tax certificate from each taxing unit with jurisdiction of the real
2-18 property indicating that no delinquent ad valorem taxes are owed on
2-19 the real property. This subsection does not apply if more than one
2-20 person acquired the real property from a decedent under a will or
-21 by inheritance and those persons owning an undivided interest in
22 the property obtained approval to subdivide the property to provide
23 each person with a divided interest and a separate title to the
4 property.

5 (f) A person commits an offense if the person violates
Subsection (b), ~~(c)~~, or (e). An offense under this subsection
is a misdemeanor punishable by a fine of not less than \$10 or more
than \$500, by confinement in the county jail for a term not to
exceed 90 days, or by both the fine and confinement. Each
violation constitutes a separate offense and also constitutes prima
facie evidence of an attempt to defraud.

(g) [~~+~~] This section does not apply to a partition by a
court.

3-6 SECTION 2. This Act takes effect September 1, 1999.

3-7 SECTION 3. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended.

HBA-MPM, NLM, ALS H.B. 1563 76(R)BILL ANALYSIS

Office of House Bill Analysis H.B. 1563
 By: Bosse
 Land & Resource Management
 8/11/1999
 Enrolled

BACKGROUND AND PURPOSE

Prior to the 76th Legislature, a plat, replat, vacation of a plat, or amendment of a plat on a parcel of real property could be approved by a municipality or a commissioners court even if there were delinquent ad valorem taxes owed on the property. The purpose of H.B. 1563 is to prevent the subdivision of a plat of property until all delinquent property taxes have been paid.

H.B. 1563 prohibits a county clerk or deputy from recording a plat or replat unless it is approved as provided by law by the appropriate authority and unless the plat or replat has attached to it the documents required by the Local Government Code. In addition, this bill prohibits a person from filing for record or having recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. This provision does not apply if more than one person acquired the real property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.002, Property Code, as follows:

(a) Prohibits a county clerk or deputy from recording a plat or replat unless it is approved as provided by law by the appropriate authority and unless the plat or replat has attached to it the documents required by subsection (e) or Section 232.023 (Plat Required), Local Government Code, other than Section 232.0035. Makes nonsubstantive changes.

Makes a conforming change.

Makes a conforming change.

Prohibits a person from filing for record or having recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. This provision does not apply if more than one person acquired the real property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property.

approval to subdivide the property to provide each person with a divided interest and a separate title to the property.

(f) Redesignated from existing Subsection (e). Provides that a person commits an offense if the person violates Subsection (e). Makes nonsubstantive changes.

(g) Redesignated from existing Subsection (f).

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

ORDINANCE NO. 94-04
SUBDIVISION REGULATIONS

AN ORDINANCE ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OF LAND INTO SUBDIVISIONS IN THE CITY OF CANTON, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CANON, TEXAS, AND REQUIRING PLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCEDURE THE APPROVAL OF THE CITY COUNCIL OF THE CITY OF CANON; DEFINING TERMS; FORBIDDING TRANSFERS OF LAND WITHOUT COMPLYING WITH THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PARTIAL VALIDITY OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary for the purpose of promoting health, safety, and general welfare of the citizens of the City of Canton and promoting the same, orderly and healthful development of the City of Canton and the area within the extraterritorial jurisdiction of the City of Canton and to lessen congestion in proposed streets, and to provide adequate light and air, and to prevent overcrowding of land, and to avoid undue concentration of population, and to facilitate the adequate provision for water, sewerage, and other utilities, that a platting and development ordinance be promulgated for the City of Canton, and

WHEREAS, the rules and regulations as herein set forth governing the platting of land into subdivisions in the City of Canton and the land within the extraterritorial jurisdiction of the City of Canton are herein promulgated and adopted in accordance with Acts 1927, 40th Leg., p.342, ch-231; as amended, Acts 1949, 51st Leg., p. 321, ch-154; as clarified Acts 1951, 52^{dn} Leg., p. 745, ch-403; same being codified as Article 947a, and Article 6626, Vernon's Texas Civil Statutes; and the provisions of Section 4 of the Municipal Annexation Act (compiled as Article 970a). Vernon's Annotated Civil Statutes; and,

WHEREAS, the City of Canton herewith and hereby adopts, ratifies, and promulgates all

The intent, purposes, and power of said Articles, as amended, and expressly vests such powers not otherwise prohibited in the City Council; and further herewith and hereby adopts not otherwise prohibited in the City Council; and further herewith and hereby adopts as the general plan, as contemplated by section 4 of said Article 974a, for the growth and extension of the City of Canton, subject, however, to any future modifications and changes thereof that may be adopted by official actions of the City Council necessitated by future growth, progress, and unforeseen exigencies;

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

SECTION 1. GENERAL

Before any plan, plat, or replat of a subdivision or addition of land inside the City of Canton or within the extraterritorial jurisdiction of the City of Canton shall be recorded with the County Clerk of Van Zandt County, it shall first be approved by the City Council of the City of Canton, in conformity with Art. 974a, V.A.C.S. and the provisions of this Ordinance. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this Ordinance even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plan, plat or replat without complying with the requirements of this Ordinance, or the transfer of land by the filing of any instrument in the nature of a conveyance without having first complied with the requirements of this Ordinance, shall be deemed a violation of the provision of this Ordinance. There is however, excepted from the provisions of this Ordinance any conveyance transferring any land or interest in land to or from the State of Texas, County of Van Zandt, City of Canton, Texas, Canton Independent School District or any other independent or common school district or water control and improvement district within the area.

SECTION 2. DEFINITIONS

- A. COUNCIL shall mean the City Council of Canton, Texas.

- B. EXTRATERRITORIAL JURISDICTION: Within the terms of the Texas Municipal

Annexation Act, the term "extraterritorial jurisdiction" means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Canton, the outer boundaries of which are measured from the extremities of the corporate limits of the City of Canton, outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City. The extraterritorial jurisdiction of the City of Canton is one-half mile from the City limits.

- C. **STREETS AND ALLEYS;** the term "street" means a way for a vehicular traffic, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however designated..
1. **Major Thoroughfares or Arterial Streets:** are principal traffic arteries more or less continuous across the City which are intended to connect remote parts of the City and which are used primarily for fast or heavy volume traffic.
 2. **Collector Streets:** are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
 3. **All Others:** are those which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited district.
 4. **Alleys:** are minor ways which are primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- D. **SUBDIVISION:** A subdivision is the division of any lot, tract, or parcel of land into two or more parts, lots or sites for the purpose, whether immediate or future, of sale or division of ownership. The definition also includes the re-subdivision of land or lots which are a part of a previously recorded subdivision. Division of land for agricultural purposes, and where no building construction is involved, in parcels of five acres or more shall not be included within this definition of subdivision, unless any such subdivision of five acres or more includes the planning or development of a new street or access easement. An addition is a subdivision as is defined herein.

- E. **SUBDIVIDER AND/OR DEVELOPER:** The terms “Subdivider” and “Developer” are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee, servant, and trustee thereof, who does, or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this Ordinance. The singular shall include the plural, and the plural shall include the singular.
- F. **SHALL AND MAY:** As used herein, the word “shall” is mandatory; the word “may” permissive.
- G. **DEFINITION:** One not expressly prescribed herein is to be determined in accordance with customary usage in Municipal Planning and Engineering practices.

SECTION 3. PROCEDURE AND PLAT REQUIREMENTS.

- A. **Presubmission Conference:** Prior to the submission of the preliminary plat, the subdivider shall confer with the Planning and Zoning Commission on an informal basis to discuss the proposed plat and its conformity to the Comprehensive Plan and its relationship to surrounding property, streets, etc.
- B. **Preliminary Plat:** Following the presubmission conference, all persons desiring to subdivide a tract of land within the area above described shall first prepare and submit to the City Manager of the City of Canton, Texas, not less than four days prior to any Council meeting at which such plat is to be considered, the following information which shall be certified by a state registered professional engineer or by a state licensed or registered land surveyor:
 - 1. Four copies of a preliminary plat showing the general features of the proposed development. This preliminary plat shall be drawn on a scale of 100 feet to the inch and shall show the following:
 - a. The outline of the tract the plat is proposed to subdivide with the principal

*check
spacing*

- i. The name of the owner or owners and the engineer or engineers.
 - j. Vicinity sketch or key map at a scale of not more than 800 feet to the inch which shall show all existing subdivisions, streets and tracts of acreage in the area and the general drainage plan, ultimate destination of water and possible storm sewer connection by arrows.
 - k. Typical cross-section of proposed street improvements and water and sewer installations where required.
 - l. The approximate acreage of the property to be subdivided.
 - m. Topographical information with contour lines at two foot intervals.
2. On receipt of the preliminary plat and other information the Council shall render a decision thereon within 21 days. Such decision may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat, subject to conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider.
 3. When a preliminary plat has been approved, the subdivider may thereafter file a final plat of the section or sections intended for immediate development. The remainder of the preliminary plat shall be considered approved or conditionally approved as provided above for a period of one year, and for such additional period as the Council may elect. Where a preliminary plat has been approved and the subdivider fails to file a final plat of the subdivision or a section thereof within a period of three months, the approval of the primary plat shall be void.

C. Final Plat: After the foregoing procedure has been complied with, and a preliminary plat approved by the Council, the subdivider shall prepare and file with the Council the following information:

1. The original and five copies of the final plat of the subdivision or section to be developed. All final plats shall be drawn in India ink on tracing cloth or plastic tracing sheets 24 X 30 inches and to a scale of one inch equals 100 feet. Where more than one sheet is required, an index sheet of maximum size, 24 X 30 inches, shall be filed showing the entire subdivision. Where the area to be developed can be drawn on a sheet one-half size or less with the scale of the drawing remaining one inch equals 100 feet, a sheet 24 X 15 inches may be used.
 - a. The title or name by which the subdivision is to be identified, the acreage in the subdivision, North point, the scale of the map, and the name of the state registered professional engineer or state licensed or registered land surveyor responsible.
 - b. A definite legal description and identification, Volume and page reference to the County Deed Records of the tract being subdivided; this description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale.
 - c. The boundaries of the subdivided property, the location or destination of all streets, alleys, parks, and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivision shall be indicated by a heavy line equivalent to a No. 5 reservoir pen and shall be tied by dimension to the established centerline of all existing boundary streets.
 - d. The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by

number of lots and blocks.

- e. All lot, block, and street boundary lines, with blocks and lots numbered or lettered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of all streets shall be shown measured at right angles or radially, where curved.

- f. Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the site shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions shall be shown by bearings. Curved boundaries shall be fully described and all essential information given; circular curves shall be defined by actual radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.

- g. The location and description of all lot and block corners and permanent survey reference monuments. Such corners and monuments shall be of three-quarter inch iron pipe or five-eighths inch iron rod and shall meet the following standards.
 - 1. Lot corners shall be 24 to 30 inches long with the top set flush with the ground.
 - 2. Block corners shall be 24 to 30 inches long set in concrete with the top set flush with ground and shall include the beginning and end of all curves within each block
 - 3. Reference points shall be 24-30 inches long placed one foot below the surface of the finished ground elevation at suitable locations throughout the subdivision. There shall be at least as many reference points as there are blocks in the subdivision but not less than two and the distance between successive monuments along any street or reference line shall not be greater than 1,000 feet. Reference points shall be other than and in addition to markers set for block or lot

corners.

- h. A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgment shall be in the form required in conveyance of real estate. Approval and acceptance of all lien holders shall be included.
 - i. A certificate by the responsible surveyor or engineer in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. If the surveyor or engineer who prepared the plat did not make the boundary survey, this fact should be noted in the certificate. Also, the certificate should show whether or not the tract is within the extraterritorial jurisdiction of the City of Canton, (one-half mile) measured in a straight line from the nearest points on the City limits, unless the information is shown in suitable manner elsewhere on the face of the plat.
 - j. The final plat submitted to the Council and to be filed for record with the County Clerk shall not show construction features such as curblines or public utility lines or other structures not involved in the tile covenant.
2. Upon the filing of the said final plat, the Council shall render a decision thereon within 30 days of receipt thereof. Said decision may consist of approval, disapproval, or conditional approval as defined in Sect. III, B, 3, hereof. Reasons for disapproval or conditional approval shall be stated by the Council in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or imposed conditions and the Council shall within five days thereafter authorize the Mayor to sign said final plat, provided it meets objections or imposed conditions.

3. On approval of the plat by the Council, it shall be signed in the space provided for and delivered to the City Manager of the City of Canton, Texas, who shall hold the approval plat and all copies until the following has been complied with:
 - a. The City's Building Inspector Engineer has certified to the Council that all of the improvements required of the subdivider under the terms of this Ordinance has been completed, or
 - b. When the subdivider has delivered to the City Manager of the City of Canton a signed copy of a firm contract for the construction of the streets with curbs and gutters and storm sewers, and the money to cover the cost of the other improvements within the subdivision or addition, as is provided for under the terms of this Ordinance; and has entered into a contract as to reimbursements, if any, as hereinafter provided.

No space ———

4. Upon the delivery of the plat by the City Manger of the City of Canton, the same shall be filed with the County Clerk of Van Zandt County, Texas

SECTION 4. DESIGN STANDARDS

A. Streets:

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the general plan for the City and shall be considered in their relation toe existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Where such is not shown in the general plan for the City, the arrangement of streets in the subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding area, or
 - b. Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

3. Minor streets shall be so laid out that their use by through traffic will be discouraged
4. Where a subdivision abuts or contains an existing or proposed arterial street, the Council may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Council.
7. Street jogs with centerline offsets of less than 125 feet shall be avoided.
8. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
9. Streets shall be laid out so as to intersect as nearly as possible at right angles.
10. Property lines at street intersections shall be rounded with a radius of 20 feet or of a greater radius where the Council may deem it necessary.
11. Street right-of-way widths shall be as shown in the general plan for the City and where not shown therein shall be not less than as follows:

| Streets: | Right-of-way width |
|---------------------|-----------------------|
| Major thoroughfares | 100 feet |
| Collector | 60 feet |
| All others | 50 feet |

12. Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway of at least 80 feet and a street property line diameter of at least 100 feet. In cases where this will work a hardship on a property owner-developer, it may be extended to a longer length street.
13. Street grades shall be established with due regard being had for topography, contemplated land uses, and the existing City drainage plan and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be five-tenths of one percent. No land shall be rejected for subdivision purposes for failure to provide for greater street grade than that contained in this Ordinance.
14. The flood design section for roadways shall be taken from back of curb to back of curb, provided that in no case shall the height of curbs for subdivision be more than eight inches. The run-off factor used in design of storm sewers shall be a minimum of Talbot's and Rational Formula.

B. Alleys:

1. Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provisions are made for service across such as off-street loading, unloading, and parking consistent with adequate for the uses proposed.
2. The minimum width of an alley shall be 20 feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut sufficiently to permit safe vehicular movement.
4. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Council.

C. Easements:

1. Easements across lots or centered on rear of side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.
2. Where a subdivision is traversed by a watercourse, drainage way, channel, or

stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width of construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

D. Blocks:

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot sizes and dimension.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography
2. Block lengths shall not exceed 1,000 feet.

E. Lots:

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use required under the Zoning Ordinance.
2. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. When such lots side upon a major thoroughfare or collector street, a note to this effect shall be properly entered on the plat to be recorded.
3. The subdividing of the land shall be such as to provide by means of a public street each lot with satisfactory access to an existing public street.
4. Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
5. Side lot lines shall be substantially at right angles or radial to street lines.

SECTION 5. REQUIRED IMPROVEMENTS.

A. General:

1. When a preliminary plat of a subdivision has been approved by the Council, the developer may submit to the City's Consulting Engineer and Water

Superintendent of the City, plans and specifications for all improvements pertinent to said subdivision. The City's Consulting Engineer and/or Water Superintendent of the City, within 30 days of receipt of said plans and specifications, approve same if they conform to the requirements of this Ordinance, or disapprove same, giving his reasons therefore to the subdivider.

2. Before beginning any construction of the improvements outlined in this section on proposed roadways or public utilities pertaining to any subdivision coming under the provisions of this Ordinance, four complete sets of plans and specifications of such construction (in the form of plats, sketches or other satisfactorily written description) shall be filed with the City Water Superintendent of the City of Canton. These shall show such features as roadways, cross-section and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground.
3. All improvements shall be installed within all of the area of any subdivision of portion thereof given final approval, and at the cost to the developer.
4. All improvements shall be designed and constructed in conformity with the provisions of this Ordinance and no construction shall be commenced until this Ordinance is so complied with.

B. Minimum Standards: The following minimum standards for improvements shall apply and shall be agreed to and complied within each subdivision or addition where approved public water supply is reasonably accessible or procurable:

1. Pavement:
 - a. All roadways shall be paved in accordance with the plans and specifications furnished by the City's Consulting Engineer.
 - b. Width of paving for the various types of streets, including curbs shall not be less than the following:

Street Type:

*↓
main
dwn*

Pavement width:

| | |
|---------------------|---------|
| Major thoroughfares | 60 feet |
| Collector | 40 feet |
| All Other | 30 feet |

2. Combined curb and gutters shall be constructed on each side of each street subdivision in accordance with plans and specifications which shall be furnished by the City's Consulting Engineer.
3. Water lines: Where an approved water supply is reasonable accessible or procurable, each lot within the subdivided area shall be provided with access to such water supply immediately adjacent thereto, at cost to developer. The installation of all water lines within the subdivided area shall be constructed in accordance with plans and specifications furnished by the Water Superintendent or the City's Consulting Engineer, who shall, in designing same, give due consideration to further development and adequate fire protection for the subdivided area. The City may construct and install the sewer lines at cost to developer, if so requested by the Developer.
4. No connection for either water or sanitary sewer service shall be made available to any subdivision or to any lot located in any subdivision, the plat of which has not been fully and finally approved and filed in accordance with this Ordinance.

SECTION 6. WATER CONNECTIONS RESTRICTED.

Neither the City of Canton nor any other person, firm or corporation distributing water which is subject to the jurisdiction and control of either the City of Canton or the rules and regulations of the City of Canton governing the distribution of water shall make any connections to any residence, business, building or other structure upon any subdivided area, the subdivision of which has not been accomplished in accordance with the terms and provisions of this Ordinance.

SECTION 7. EXCEPTIONS.

- A. Where any street forms any part of the boundary line of the subdivision, and some part of the width of said street has been dedicated or committed to dedication or committed to improvement, then the subdivider shall be required to dedicate and/or improve the

balance of the width of such street, but otherwise, no improvements shall be required as a prerequisite to the approval for an existing dedicated street forming a boundary of a subdivision.

- B. When any lot or a portion of a lot or portions of lots aggregating one tract larger in width and/or size than the average lot in the block in which the same is located are conveyed as a single unit for a single use purpose from a previously legally platted subdivision, no replat shall be required.

SECTION 8. VARIANCES.

Where the City Council of the City of Canton, Texas, finds that extraordinary hardships may

result from a strict compliance of this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations. Such variances and modifications as may be granted shall be at least a two-thirds majority of the Council.

**STANDARD SPECIFICATIONS FOR STREET
CONSTRUCTION FOR THE CITY OF CANTON, TEXAS**

- A. **General:** The City of Canton has chosen to follow, in general, the specifications of the Texas Highway Department for street construction. The designated specifications are numbered and described in the booklet entitled, "Standard Specifications for Construction Highways, Streets, and Bridges", adopted by the Texas Highway Department, January 3, 1972. The specifications contained therein, and in all future editions or revisions thereto, as hereinafter mentioned, are hereby made a part of this document by reference and all conditions pertaining hereto shall apply.

The applicable THD specifications are as follows:

1. Roadway Excavation – Items 110, subhead 110.1, 110.2 (1), 110.3, 110.4, and 110.5.
 2. Sprinkling – Item 204, subheads 204.1, 204.2, and 204.3.
 3. Rolling, (Flat Wheel) – Item 210, subheads 210.1, 210.2, and 210.3.
 4. Rolling, (Tamping) – Item 211, subheads 211.1, 211.2, and 211.3.
 5. Rolling, (Pneumatic line) – Item 213, subheads 213.1, 213.2, and 213.3.
 6. Iron Ore Base – Item 240, subheads 240.1 through 240.5.
 7. Prime Coat - Items 310 and 312, subheads 310.1 through 310.3 and 312.1 through 312.3.
 8. Hot Mix Asphaltic Concrete Pavement - Item 340, subheads 340.1 through 340.6; Item 350, subheads 350.1 through 350.6.
 9. Concrete Structures – Item 420, subheads 420.1, 420.2, 420.3, 420.6, 420.9, 420.10, 420.11, 420.12, 420.13, 420.14, 420.19, 420.21, 420.22, 420.23, 420.24, and 420.25.
 10. Concrete For Structures – Item 421, subheads 421.1, through 421.13.
 11. Reinforced Concrete Pipe Culverts – Item 464, subheads 464.1 through 464.4.
 12. Concrete Curb and Gutter – Item 522, subheads 522.1 through 522.5.
- B. **Laboratory Testing and Control:** The services of a professional independent testing laboratory such as East Texas Testing Laboratory, Inc. shall be required to conduct all testing and control required for street construction as outlined herein. The cost of all

professional services furnished by the independent laboratory for street construction shall be paid by the Contractor or Developer. The independent testing laboratory to be retained shall be approved by the City of Canon in writing before any work is started.

The independent testing laboratory shall perform all required density tests on the subgrade and iron or base; shall test all concrete used and shall provide on site laboratory control during all batching of concrete; shall design the asphalt mix to be used on the project and shall have a representative present at the batch plant at all times asphaltic concrete or structural concrete is being mixed for use on this contract.

The Contractor shall notify the testing laboratory at such time as he deems the subgrade is sufficiently compacted to meet the density requirements. The laboratory shall then make the required density tests on the subgrade and report the written results to both the Contractor and the Engineer.

The Contractor shall notify the testing laboratory at such time he deems the iron ore base is sufficiently compacted to meet the density requirements. The laboratory shall then make the required density tests on the iron ore base and report the written results to both the Contractor and the Engineer.

The Contractor shall notify the laboratory each time structural concrete is to be poured on this job in order that proper batch control may be exercised.

The Contractor shall notify the laboratory each time hot mix asphaltic concrete is to be laid in order that proper batch control may be exercised.

The Contractor shall notify the laboratory at least 24 hours in advance for any of the testing required as described above.

- C. **Excavation and Preparation of Subgrade:** All excavation shall be "unclassified road excavation" and shall include all materials encountered regardless of their nature and the manner in which they are removed. All excavation shall be done in accordance with the lines and grades shown on the plans and as established by the Engineer. All cut and fill shall be made within the limits of the street right-of-way, and the fill shall be deposited in the locations established by the Engineer's grade stakes.

Before the iron ore gravel base is applied, the Contractor shall prepare the subgrade so that it is shaped to the proper shape and is smooth and hard. The Contractor shall scarify the subgrade to a minimum depth of 6 inches and then compact the subgrade to 95 percent modified AASHO density by using sheep foot or other approved type rollers. Density tests shall be made at not more than 300 foot intervals by an independent testing laboratory. The cost of all laboratory testing shall be paid by the Contractor. In the event portions of the subgrade are unstable, the Contractor shall remove the unstable material, replace it with select material and compact the subgrade until it is acceptable.

Under no conditions shall the Contractor begin to place base material on finished

subgrade until such time as the density tests have been made and the results of the tests have been approved by the Engineer as meeting these specifications.

- D. **Disposal of Excavation:** All excavated materials shall be deposited of a fill where required to obtain the required grade.

In the event that a surplus of excavated material remains after all required roadway fill has been made, the Contractor shall dispose of the surplus material. It shall be the responsibility of the Contractor to obtain site or sites for disposing of said excess material.

- E. **Iron Ore Base Material:** The material used for the iron ore base shall conform to I.H.D. Specification, Item 240, Grade 2, except that there shall be a minimum of 45 percent to 85 percent of the material retained on a no. 40 mesh sieve; the liquid limit of such iron ore base material shall not exceed 35, and the plasticity index shall not exceed 12.

The Contractor must make his own investigations concerning the availability and location of iron ore sources.

Samples from each pit must be tested by the independent laboratory and results of such tests shall be approved by the Engineer before the pit shall be accepted for use on this project.

The iron ore base shall be placed on the properly prepared subgrade and shall be wetted, bladed, and rolled in place until 95 percent modified AASHO density is obtained. Density tests shall be made at not more than 300 foot intervals by the independent testing laboratory. The iron ore base shall be the width between the gutters of on the concrete curb and the gutter width and shall have a compacted thickness of not less than 6 inches at any point on the roadway. The final shape of the base shall provide a slope of 6 inches from the center line of the roadway to the outer edge of the base material.

Under no conditions shall the Contractor prime the iron ore base nor begin placing the asphalt wearing surface until the density tests have been made and the results of the tests have been approved by the Engineer as meeting these specifications.

- F. **Asphalt Wearing Surfaces:** The Contractor shall apply a prime coat of asphalt to the iron ore base on the section of new street which has been constructed.

1. **Prime Coat:** The Contractor shall apply a prime coat of asphalt to the iron ore base before the asphalt wearing surface is applied. Before the prime coat of asphalt is applied, the "set-up" iron ore base shall be thoroughly swept to remove all dust, foreign matter, and all loose material. The prime coat shall be applied in a uniform application with an approved type sprayer or distributor at a rate of 0.25 gallons per square yard. The asphalt shall be RC-2 or MC-1. In the event RC-2 is used, it shall be covered with a thin layer of fine sand and allowed to cure completely.

Spec

before the asphalt wearing surface is applied

2. Asphalt Wearing Surface: The asphalt wearing surface shall be applied at a rate of 150 pounds of material per square yard of surface area. At this rate of application one ton of material will cover approximately 13 33 square yards of surface area and the application will result in a 1 ½ inch thick surface. The material shall be hot mix asphaltic concrete.

The hot mix asphaltic concrete material shall meet all requirements of T.H.D. Specification Item 340, Type D, with a Hveem stability of not less than 35 and a minimum asphaltic content of 4.5 percent. The Contractor shall have the mix designed and the mixing plant operations controlled by the independent testing laboratory. The Contractor shall not place any hot mix asphaltic concrete on this job except that which was mixed under direct supervision of the independent testing laboratory. Any material which was not batched under laboratory supervision will not be accepted and will be removed from the job immediately.

- G. **Class "A" Concrete:** Class "A" concrete shall be mixed in the ratio of 1:2:3, using one part cement, two parts fine aggregate, and three parts coarse aggregate, and shall contain not less than 5.0 bags of cement per cubic yard of concrete with a maximum water content of 6.5 gallons of water per bag of cement.

1. Materials:

a. Cement:

- (1) High-early strength Portland cement: Where the plans and specifications call for high-early strength concrete, the cement shall meet the standard specifications of the A.S.T.M. Serial Designation C74.
- (2) Storage: Cement shall be stored in a weather tight structure, with the floor raised not less than one foot from the ground in such a manner as to permit easy access for proper inspection and identification of each shipment. Cement that has hardened, become lumpy, or partially set shall be removed from the site and not used.
- (3) Mixing brands: When cement from more than one manufacturer is purchased, each pour shall be made using only one brand of cement.

b. Aggregates:

- (1) General: The fine and coarse aggregates shall be relatively free of deleterious substances. The fine and coarse aggregates when subjected to five alterations of the sodium sulfate soundness test (A.S.T.M. designation C88) shall not show an average weight loss of more than 10 percent for the fine aggregate, and 13 percent for the coarse aggregate, unless evidence satisfactory to the Engineer is furnished that the

concrete of comparable proportions, in which similar materials from the same sources were used, has been exposed to natural weathering for a period of at least 5 years without appreciable disintegration.

- (2) Fine aggregate: Fine aggregate shall consist of sand having clean, hard, durable, uncoated grains free from deleterious substances, and shall range in size from fine to coarse within the following percentages by weight:

| | | | |
|-------------|-----------|--------|---------|
| Passing no. | 4 sieve | 95-100 | Percent |
| Passing no. | 16 sieve | 45-70 | Percent |
| Passing no. | 50 sieve | 15-30 | Percent |
| Passing no. | 100 sieve | 3-8 | Percent |

The volume removed by sedimentation shall not be more than 3 percent. Not more than 35 percent shall pass standard sieve and be retained on the next smaller standard sieve.

- (3) Coarse aggregate: Coarse aggregate shall consist of crushed stone, gravel, or other approved inert materials with similar characteristics or combination thereof, having clean, hard, durable, uncoated particles free from deleterious matter. After acceptance of a grading, a variation in the amount passing any sieve size of more than 10 percent of the total will not be permitted. The grading shall be within the following percentages, by weight:

| | | | |
|---------------|----------------|--------|---------|
| Passing a | 1 ½ inch sieve | 95-100 | Percent |
| Passing a | ¾ inch sieve | 35-70 | Percent |
| Passing a | 3/8 inch sieve | 10-30 | Percent |
| Passing a no. | 4 sieve | 0-5 | Percent |

The Engineer may at any time require delivery and stockpiling of the coarse aggregate in two sizes divided on the ¾ inch sieve. When the aggregate is required to be so divided, the two sizes shall be used in such proportions that the combined aggregate will meet the grading given above.

- (4) Storage: Fine and coarse aggregate shall be stored separately and in such manner as to prevent segregation of sizes and to avoid the inclusion of dirt and other foreign materials in the concrete. Fine aggregate shall be stockpiled at least 24 hours.

Aggregate which has been mixed with dirt, wood, or other foreign matters shall be rejected.

- c. Mixing Water: Mixing water shall be clean and free from oil, acid, sewage, or other injurious amounts of organic matter, alkalies, or other salts.

H. **Concrete Construction:** All concrete and reinforcing steel used in this project shall

conform with Texas Highway Department Specifications, Items 470 and 520. All concrete shall be class "A".

- 1 Curb and Gutter and Concrete Headers: Curb and gutter shall be a monolithic structure having a 6 inch curb and an 18 inch gutter as shown on the plans. The finish shall be on the original mixture and the use of topping absolutely will not be allowed.

Expansion joints shall be used at 32 foot intervals and the entire work shall be flagged at least every 8 feet. All joints shall be cut well into the concrete with the proper cutting tool and all flag joints and outer edges shall be neatly rounded and finished with special tools.

All concrete used for curb and gutter shall be a class "A" concrete having a minimum of 5.0 bags of cement per cubic yard. The concrete shall be kept wet by using mats or approved curing compound. The mats shall be kept wet for a period of not less than seven days after pouring.

In the event that the sub grade for curb and gutter is excavated below the required sub grade elevation, the backfill shall be made with selected soil and compacted to 95 percent modified AASHTO density. Density tests will be required in all places where excess excavation occurs.

The concrete headers shall be 6 inches wide by 12 inches deep and shall be flush with the finished street surface. The concrete for the headers shall be a class "A" concrete having a minimum of 5.0 bags of cement per cubic yard and the curing process shall be the same as described for curb and gutter above.

2. Retards and Headwalls: Retards shall be located as shown on the plans and a headwall shall be constructed at each end of the storm sewer pipe.

All concrete for these structures shall be class "A" concrete having a minimum of 5.0 bags of cement per cubic yard of concrete. Curing shall be the same as specified for curb and gutter.

3. Concrete Valley Gutters: The Contractor shall construct concrete valley gutters at the locations shown on the plans.

These valley gutters shall be constructed 4 feet wide and 6 inches thick. They shall be reinforced with number 4 reinforcing bars spaced 12 inches on center in each direction

The valley gutter shall be a monolithic structure; the finish shall be on the original mixture and the use of topping absolutely will not be allowed.

All concrete shall be class "A" concrete having a minimum of 5.0 bags of cement

per cubic yard. The concrete valley gutters shall meet all requirements of I.H.D. Specifications, Item 522. The concrete shall be kept wet by use of approved curing compound for a period of not less than seven days after pouring.

4. Testing: The Contractor shall employ the services of an independent laboratory to test all aggregates to be used in the concrete and design the mix for the class "A" concrete to be used. These mix designs are to be submitted to the Engineer for approval before any concrete is poured on the job.

A set of sample cylinders for a compression test is to be made for every 20 cubic yards of concrete poured and in no case less than one set per pour. These cylinders shall be prepared and cured in accordance with Texas Highway Department specifications.

A set of cylinders shall consist of three cylinders; one to be broken in seven days, one to be broken in 28 days and one spare to be broken only if deemed necessary by the Engineer. The cost of all laboratory design, control and testing shall be paid by the Contractor.

- I. **Concrete Pipe:** All concrete pipe used for the storm sewers shall be reinforced concrete pipe and shall conform to ASTM designation C-76. All pipe shall be class III pipe, Gifford-Hill or approved equal. The reinforced concrete pipe and the installation of this pipe shall be as set forth in the Texas Highway Department Specification, Item no. 464.

The Contractor shall construct a headwall of class "A" concrete at each end of each reinforced concrete culvert.

**APPROVED AND PASSED BY THE CANTON CITY COUNCIL THIS, THE _____
DAY OF _____, 2007**

R.C. ANDERSON, MAYOR

ATTEST:

Julie Seymore, City Secretary