

ORDINANCE NO. 2018-23

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, AMENDING THE 1985 ZONING ORDINANCE FOR THE CITY OF CANTON, TEXAS, AS HERETOFORE AMENDED, GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A DRIVE-THROUGH RESTAURANT IN GENERAL BUSINESS DISTRICT (B-2) ZONING AT 211 E. PEACE, CANTON, TEXAS; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Canton and the City Council of the City of Canton, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council of the City of Canton is of the opinion and finds that a special use permit should be granted and that the Zoning Ordinance should be amended:

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

SECTION 1.

That the Zoning Ordinance and Official Zoning Map of the City of Canton, Texas, as heretofore amended be, and the same is hereby amended, by granting a specific use permit for the operation of a drive-through restaurant in General Business District (B-2) zoning at the property described as 211 E. Peace Street, Canton, Texas, on property currently owned by Henry Lewis.

SECTION 2.

That the property described may be used only for the purpose and under the specific conditions as follows: That Owner must comply with all Federal and State laws and City ordinances during the remodeling of the building for such use, particularly in regard to the construction of the parking lot.

SECTION 3. VIOLATION AND PENALTY

Any violation of the 1985 Zoning 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 the 1985 Zoning Ordinance shall be a fine not to exceed Two Thousand (\$2,000.00) Dollars.

SECTION 4. REPEAL OF CONFLICTING ORDINANCE

That all ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY CLAUSE

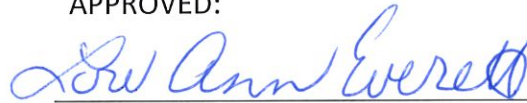
If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 6. EFFECTIVE DATE

That this ordinance shall take effect immediately from and after its passage and the publication of the chapter as the law in such cases provides.

PASSED by a majority vote of the City Council of Canton, Texas, on this the 20th day of November, 2018, to attest which we hereunto set our hands and seal.

APPROVED:



Lou Ann Everett, Mayor

ATTEST:


Debra Johnson, City Secretary