

CITY OF SANGER, TEXAS

ORDINANCE 08-21-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REGARDING AMENDING THE CITY OF SANGER CODE OF ORDINANCE, CHAPTER 14 PLANNING AND ZONING, SECTION 30 USE OF LAND AND BUILDINGS, SECTION 30.2 LEGEND FOR INTERPRETING SCHEDULE OF USES, TO ALLOW QUICK SERVICE FOOD AND BEVERAGE BY RIGHT IN THE B-2 ZONING DISTRICT WITHOUT THE REQUIREMENT OF A SUP AND ADDING SECTION 32.7 VEHICLE STACKING REQUIREMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

WHEREAS, the City Council finds it necessary for the public health, safety, and welfare that development occur in a controlled and orderly manner; and

WHEREAS, the Planning and Zoning Commission on August 8, 2022, duly covered and conducted public hearing for the purpose of assessing a request for an amendment to the Zoning Ordinance, recommending approval for the hereinafter described property; and

WHEREAS, all request for amendment to the Zoning Ordinance were duly filed with the City of Sanger, Texas, concerning the hereinafter described property; and

WHEREAS, the following provision of proper legal notice requirements, were made in the time and manner prescribed by law; and

WHEREAS, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

SECTION 1. That an amendment to Chapter 14 Planning and Zoning, Section 30 Use of Land and Buildings, Section 30.2 Legend for Interpreting Schedule of Uses, removing the SUP requirement for Quick Service Food and Beverage Shop in Business District 2 (B-2) and adding Section 32.7 Vehicle Stacking Requirements as described in **Exhibit A** is hereby granted.

SECTION 2. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 5. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this 15th day of August, 2022.

APPROVED:

Thomas E. Muir, Mayor

ATTEST:

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney

Exhibit A

32.7 Vehicle Stacking Requirements For Drive Through Services

1. Generally. Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure eight feet six inches wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (service window, ATM, or station at a drive-through bank) is counted as a stacking space.

2. Requirements. Uses that include drive-through service shall provide not less than the following numbers of stacking spaces:

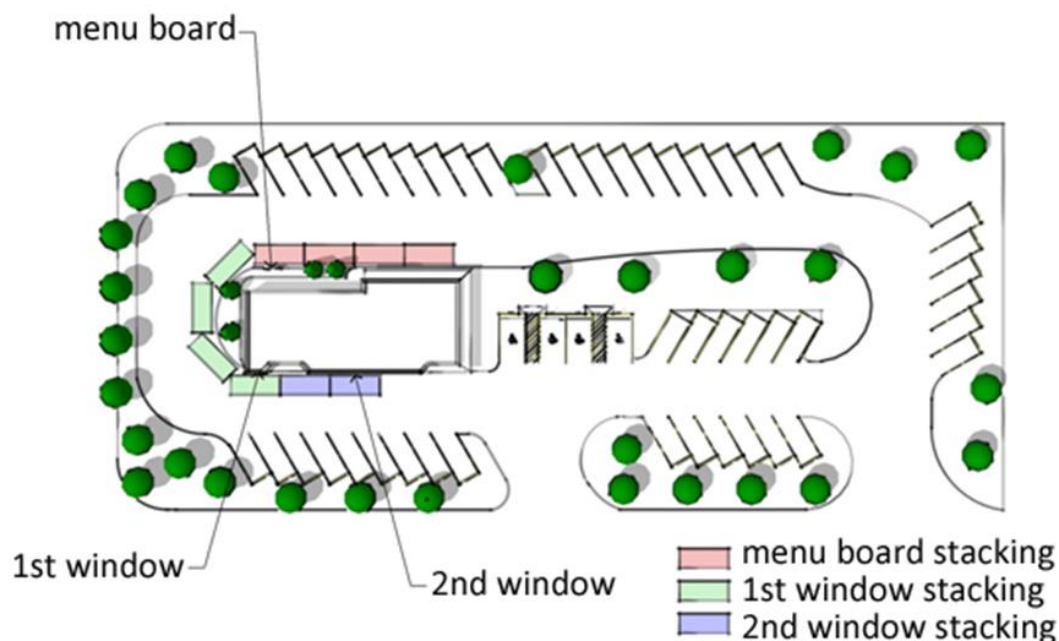
a. Financial institutions, drive-through convenience retail, or pharmacies: Three stacking spaces per drive-through station.

b. Drive-through restaurants if two service windows are provided (one for payments and one for pick up): a minimum of nine (9) stacking spaces shall be provided designed as follows

(1) Four stacking spaces to the menu board

(2) Three stacking spaces between the menu board and the first window (including position at the first window); and

(3) Two spaces between the first window and the second window (including the position at the second window).



- c. If one service window is provided (for both payments and pick up):
 - (1) Six stacking spaces to the menu board;
 - (2) Three stacking spaces between the menu board and the service window.
- d. Dry Cleaners: Three stacking spaces, including the position at the window.
- e. Vehicle Wash:
 - (1) Three stacking spaces for each bay in self-service vehicle wash facility (including wash area);
 - (2) Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
 - (3) If the facility provides detailing, manual drying or polishing, and/or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.
- f. Stacking spaces for other uses are determined by the Development Service Director.

3. Design

- a. Stacking lanes shall be clearly marked, and shall not interfere with on-site or traffic circulation, whether on or off-site.
- b. Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts unless there is a grade change of at least five feet between the centerline of the street and the stacking area or alternatively, there is a buffer yard installed.
- c. Stacking lanes shall be designed with an abutting nine-foot-wide bypass lane.
- d. Stacking begins at first stopping point.