

CITY OF SANGER, TEXAS

ORDINANCE 09-25-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REGARDING AMENDING THE ZONING MAP FOR APPROXIMATELY 14.908 ACRES OF LAND DESCRIBED AS A0029A R BEEBE, 72B(2A); FROM (PD-TH) PLANNED DEVELOPMENT-TOWNHOME TO (PD-SF-1) PLANNED DEVELOPMENT-SINGLE FAMILY 1; 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 14, 2023, duly covered and conducted public hearing for the purpose of assessing a request for amendment to the Zoning Map, recommending approval for the hereinafter described property; and

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

WHEREAS, the following provision of proper legal notice requirements, including written notice to owners within 200 feet of the subject property, 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 the legal description of the tracts zoned herein is generally described as A0029A R. BEEBE, TR 72B(2A).

SECTION 2. That the subject property described in Section 1 and further described through metes and bounds in Exhibit A, and generally located on the west side of Marion approximately 820 feet south of the intersection of Marion Road and Huling Road is rezoned from

(PD-TH) Planned Development-Townhome to (PD-SF1) Planned Development-Single Family 1 as illustrated in Exhibit B and the conceptual plan as illustrated in Exhibit C.

SECTION 3. 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 4. 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 5. 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 6. 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 5th day of September 2023.

APPROVED:

Thomas E. Muir, Mayor

ATTEST:

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney

STATE OF TEXAS
COUNTY OF DENTON

All that certain lot, tract, or parcel of land, being part of the Reuben Bebee Survey, Abstract No. 29, Denton County, Texas, and being part of that certain called 223.35 acre tract described in a deed from North Park Estates Trust to Sanger Land Development LLC on February 15, 2019, recorded in Denton County Clerk's File No. (DCCFN) 2019-16167 of the Official Public Records of Denton County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a ½" iron rod (set) for the Northeast terminus of Imperial Drive as shown on the plat of Sanger Circle, Phase 6B, recorded in DCCFN 2022-196, in the North line of the above mentioned 223.35 acre tract, in the South line of the STC Group Miller, LLC 202.69 acre tract recorded in DCCFN 2021-00195695;

THENCE South 88 deg. 57 min. 33 sec. East with the South line of the 202.69 acre tract, the South line of Lot 4, Block 1 of Abney Acres, as shown by plat of same recorded in Volume M, Page 64 of the Plat Records of Denton County, Texas (PRDCT), the North line of the 223.35 acre tract, a distance of 578.77 ft. to a 3" pipe fence corner post (found) for the Northeast corner of same, the Northwest corner of the Lou Henry Cooper 9.297 acre tract recorded in Volume 1005, Page 253;

THENCE southerly and generally with a fence, with the East line of the 223.35 acre tract, the West line of the 9.297 acre tract as follows:

South 04 deg. 47 min. 03 sec. East a distance of 112.59 ft. to a fence corner (found) for corner,
South 11 deg. 23 min. 10 sec. East a distance of 163.10 ft. to a x-tie fence corner (found) for corner,
South 21 deg. 46 min. 43 sec. East a distance of 229.34 ft. to a 3" bois d'arc fence corner (found) for corner,
South 32 deg. 44 min. 55 sec. East a distance of 131.51 ft. to a 15" twin bois d'arc tree for corner,
South 52 deg. 50 min. 26 sec. East a distance of 158.27 ft. to a 12" triple bois d'arc tree for corner,
and South 59 deg. 39 min. 33 sec. East a distance of 353.99 ft. to a mag nail (set) for an angle corner of the 223.35 acre tract, the South corner of the 9.297 acre tract, near the centerline of Marion Road;

THENCE South 01 deg. 23 min. 45 sec. West with the centerline of Marion Road, the East line of the 223.35 acre tract, a distance of 129.75 ft. to a mag nail (set) for the Northeast corner of 0.152 acre right of way dedication shown on the plat of Sanger Circle, Phase 6A, recorded in Document No. 2022-200, PRDCT;

THENCE North 88 deg. 35 min. 48 sec. West with the North line of the 0.152 acre right of way, at 39.97 ft. pass a ½" iron rod (found) for the Northwest of same, the Northeast corner of Block B of Sanger Circle, Phase 6A, and continue a total distance of 462.87 ft. to a ½" iron rod (found) for corner at the p.c. of a curve to the right;

THENCE westerly with the North line of Block B, with a curve to the right having a radius of 1279.78 ft., a chord of North 84 deg. 47 min. 59 sec. West - 175.39 ft., a distance of 175.53 ft. to a ½" iron rod (found) for corner at the p.t. of same;

THENCE North 80 deg. 58 min. 56 sec. West with the North line of Block B, a distance of 96.57 ft. to a ½" iron rod (set) for corner in the East right of way of Olivia Lane and a curve to the left;

THENCE with the East right of way of Olivia Lane, with a curve to the left having a radius of 320.00 ft., a chord of North 04 deg. 12 min. 32 sec. West - 40.48 ft., a distance of 40.51 ft. to a ½" iron rod (set) for corner, the Northeast terminus of Olivia Lane;

THENCE South 82 deg. 09 min. 16 sec. West with the North terminus of Oliva Lane, a distance of 50.00 ft. to a ½" iron rod (set) for corner at the Northwest terminus of same, in a curve to the right;

THENCE with the West right of way of Olivia Lane, with a curve to the right having a radius of 270.00 ft., a chord of South 05 deg. 06 min. 28 sec. East - 25.68 ft., a distance of 25.69 ft. to a ½" iron rod (set) for the Northeast corner of Block C;

THENCE with the Northeast line of Block C, North 80 deg. 57 min. 30 sec. West a distance of 121.87 ft. to a ½" iron rod (set) for and angle corner and North 21 deg. 42 min. 05 sec. West a distance of 139.82 ft. to a ½" iron rod (set) for the North corner of Block C, in the Southeast right of way of Bridle Path, in a curve to the right;

THENCE northeasterly with the Southeast right of way of Bridle Path, with a curve to the right having a radius of 250.00 ft., a chord of North 64 deg. 43 min. 00 sec. East - 31.30 ft., a distance of 31.32 ft. to a ½" iron rod (set) for corner at the p.t. of same;

THENCE North 68 deg. 18 min. 20 sec. East with the Southeast right of way of Bridle Path, a distance of 125.76 ft. to a ½" iron rod (set) for corner at the Southeast terminus of same;

THENCE North 21 deg. 41 min. 40 sec. West with the Northeast terminus of Bridal Path, a distance of 50.00 ft. to a ½" iron rod (set) for the North corner of same;

THENCE South 68 deg. 18 min. 20 sec. West with the Northwest right of way of Bridal Path, a distance of 125.76 ft. to a ½" iron rod (set) for corner at the p.c. of a curve to the left;

THENCE southwesterly with the Northwest right of way of Bridal Path, with a curve to the left having a radius of 300.00 ft., a chord of South 65 deg. 19 min. 04 sec. West - 31.29 ft., a distance of 31.30 ft. to a ½" iron rod (found) for corner, the Southeast corner of Block F of Sanger Circle, Phase 6B;

THENCE North 21 deg. 42 min. 05 sec. West with the East line of Block F, a distance of 639.54 ft. to a ½" iron rod (found) for the Northeast corner of same, in the South right of way of Imperial Drive;

THENCE South 88 deg. 57 min. 33 sec. East with the South right of way of Imperial Lane, a distance of 26.01 ft. to a ½" iron rod (set) for corner at the Southeast terminus of same;

THENCE northerly with the East right of way of Imperial Drive as follows:

North 01 deg. 02 min. 27 sec. East with a distance of 50.00 ft. to a ½" iron rod (set) for corner,

North 88 deg. 57 min. 33 sec. West a distance of 8.93 ft. to a ½" iron rod (set) for corner,

North 43 deg. 57 min. 33 sec. West a distance of 21.21 ft. to a ½" iron rod (set) for corner,

and North 01 deg. 02 min. 27 sec. East a distance of 105.00 ft. to the place of beginning, containing 14.908 acres or 649,410 square feet of land.

EXHIBIT B

SANGER CIRCLE PH 7 PD SUMMARY

Purpose Statement - To rezone approximately 14.908 acres from PD-TH to PD-SF1 for the property described by metes and bounds on Exhibit "A" (the "Property") of this PD Ordinance. Development and use of the Property shall comply with the Sanger Zoning Ordinance as it existed on the date of its adoption on August 3, 1987 and subsequent amended (the "The Zoning Ordinance") and this PD ordinance. In the event of a conflict between the Zoning Ordinance and this PD Ordinance, this PD ordinance shall control.

PROPOSED USES

Single Family (14.908 Acres)

14.908 acres are proposed as single family detached uses. The net density is 4.3 units/acre.

COMMUNITY FEATURES

A mandatory homeowners association shall be established to own and maintain the private open spaces, common areas, greenbelts and all private landscape improvements. Private trails and sidewalks shall be constructed within a pedestrian access easement and owned and maintained by the HOA.

RESIDENTIAL LAND USES

I. Lot Sizes, Setbacks, etc. for Single Family Detached. Except as otherwise provided below, detached single family residences shall comply with Section 53, "R-1" RESIDENTIAL DISTRICT -1 of the Zoning Ordinance, subject to the following changes:

A. Minimum Lot Width, Depth, and Size.

The Manor Lots (50' X 120'):

The minimum lot width shall be 50 feet. The minimum lot depth shall be 120 feet. The minimum lot size shall be 6,000 square feet.

B. Minimum House Size.

The minimum air-conditioned area within each residence shall be 1,850 square feet. Over the entire development, the lots shall average over 2,000 square feet in house size. The developer shall place a limit of 15% of the total lot count to be below 2,000 square feet.

C. Maximum Height.

The maximum building height shall be 2 stories or 35 feet.

D. Front Yard Setback.

The minimum front yard building setback shall be twenty-five feet (25'). Front porches and architectural features such as stoops, overhangs, courtyard walls, masonry chimneys and bay windows may extend into the front yard a maximum of five feet (5').

E. Side Yard Setback.

The minimum side yard building setback shall be five feet (5') on each side. A side yard adjacent to a street on a corner lot shall always have a minimum ten-foot (10') side yard building setback.

F. Rear Yard Setback.

The minimum rear yard building setback shall be twenty feet (20') from the rear facade of the residence (excluding porches and projecting architectural features) to the rear lot line. Porches and architectural features such as stoops, overhangs, courtyard walls, masonry chimneys and bay windows may extend into the rear yard a maximum of five feet (5').

G. Maximum Lot Coverage.

The maximum lot coverage will be 65% for any residential lot.

H. Garages.

An enclosed parking area of at least four hundred square feet shall be provided for a garage (this does not count towards the minimum house size). The face of a garage door must be located at least 20 feet from the street right-of-way line that the garage door faces. The garage door does not have to be behind the street facing façade of the house. Split garage doors with a separate door for each vehicle bay are not required.

I. Design Elements

All residential dwellings will meet the City of Sanger Exterior Façade Design Criteria Manual as adopted on October 7, 2019.

II. General Conditions.

- A. For the purposes of determining compliance with the lot width requirements, lot widths shall be measured at the rear of the required front yard setback as shown on the Final Plats.

- B. Sidewalks may be located outside of the public right-of-way if located within an adjacent open space lot with a pedestrian access easement to provide for meandering sidewalks and trails that may be located within adjacent common area lots or to preserve existing trees along perimeter roads.

III. Residential Single Family Detached Landscape Requirements. Except as otherwise provided below, landscape requirements shall comply with Section 48, Landscape Regulations of the Zoning Ordinance, subject to the following changes:

The following requirements apply to single family residential development:

- A. Each single-family residence shall have an irrigation system in the front yard and street corner side yard with a freeze sensor regulator shut off.
- B. Each Home lot shall have a minimum of two shade trees that are at least three inches in caliper planted. The trees shall be planted in the front and rear yard. If the lot fronts or sides onto a common area lot, the front yard requirement may be satisfied with the trees located in the adjacent greenspace. No other front yard or side yard tree planting requirement shall apply.
- C. All required trees shall be selected from a tree list approved during the Preliminary Plat stage.
- D. Each Home lot shall have a minimum of twelve (12) shrubs placed in the front yard. Individual shrubs shall be a minimum of three (3) gallons in size when planted.

IV. Open Space (1.437 Acres)

- A. Common areas shall include small open spaces as shown on the Concept Plan. Small Open Spaces shall be connected with sidewalks to be a comprehensive pedestrian system. Common areas will abut a public street right-of-way in at least one location with a sidewalk connection.
- B. All interior residential street rights-of-way shall be improved with sidewalks that are a minimum of four feet in width and (1) constructed by the homebuilders at the time of adjacent house construction; or (2) constructed by the developer for all non-buildable lots. All sidewalks along Collector and Arterial Road frontages are to be five feet in width.

V. Fencing Requirements

- A. Floodplain, parks, open spaces, right-of-way shall be exempt from the screening requirements in this Section; however, tubular steel fencing may be installed in these areas at the developer's option.
- B. Homebuilder side yard and back yard fencing on residential lots shall be a maximum of six feet in height and shall be setback a minimum of five feet from the front building line shown on the Concept Plan.
- C. Fencing on all residential lots abutting an open space lot or greenbelt shall be restricted to tubular steel painted black. No solid fencing other than a brick and/or stone masonry courtyard wall under 42 inches shall be permitted abutting an open space lot or greenbelt; however, landscape borders, included trimmed hedges, are permitted.

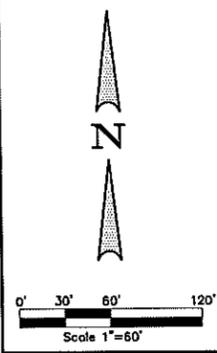
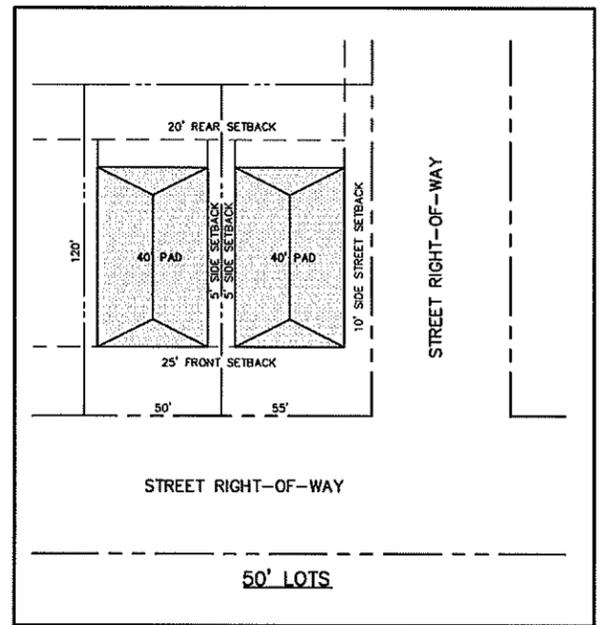
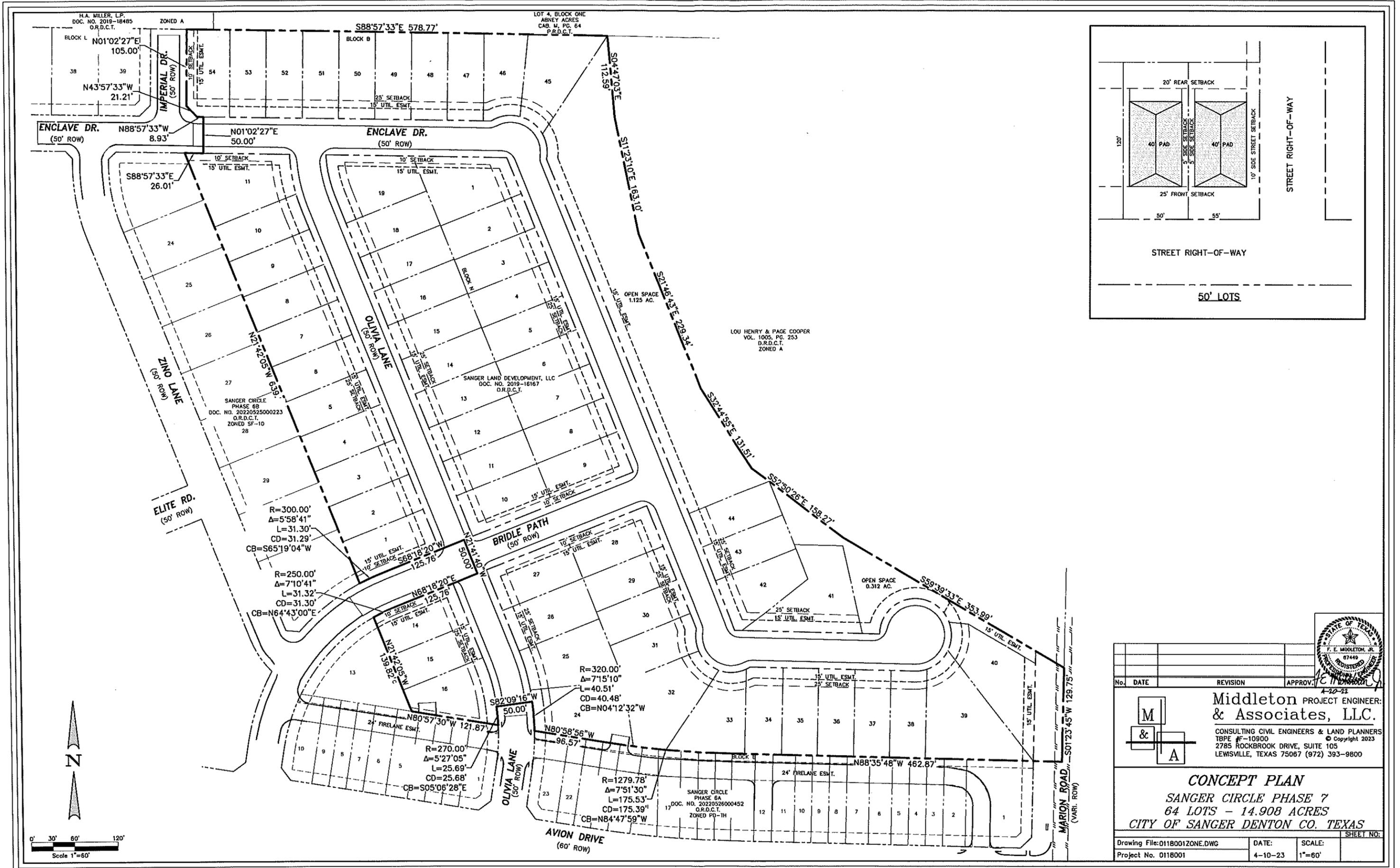
VI. Street Typology

- A. Standard curbs will be required adjacent to streets abutting all residential lot types unless otherwise approved by the City's engineering department.
- B. Streets fronting open space lots must have standard curbs adjacent to the common area lot. Streets adjacent to common area lots may provide for on-street parking. In addition, the street faces adjacent to open spaces near the flood plain will have a maintenance access location.
- C. Developer shall work with City to determine the location and number of stop signs within the subdivision and speed limits to facilitate traffic calming and maximum the benefit from the pedestrian system.

VII. Home Variety

- A. Detached home designs with the same or similar facade, materials, or colors should be separated by a minimum of three lots on the same side of the street and should not be located directly across or diagonally across the street from each other.
- B. If a detached home plan is repeated on an adjacent lot, it should be elevated with a different architectural style or two of the following three elevation changes - brick color, roof color, or flipped plan.

EXHIBIT C

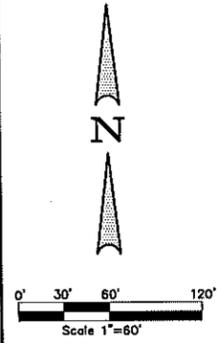
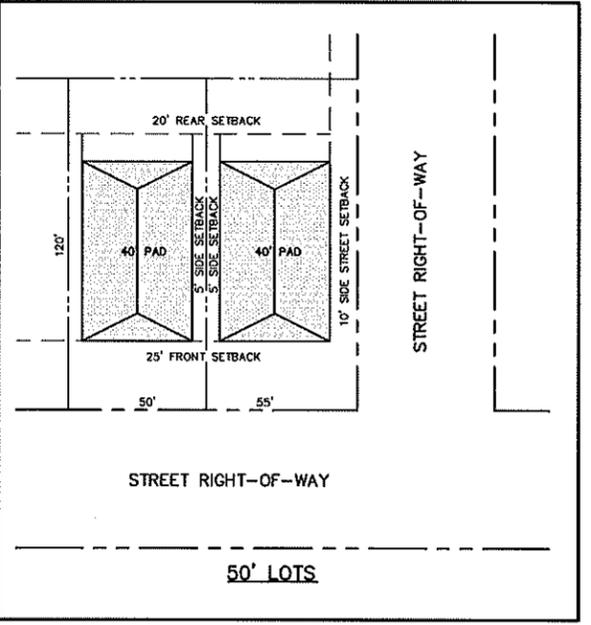
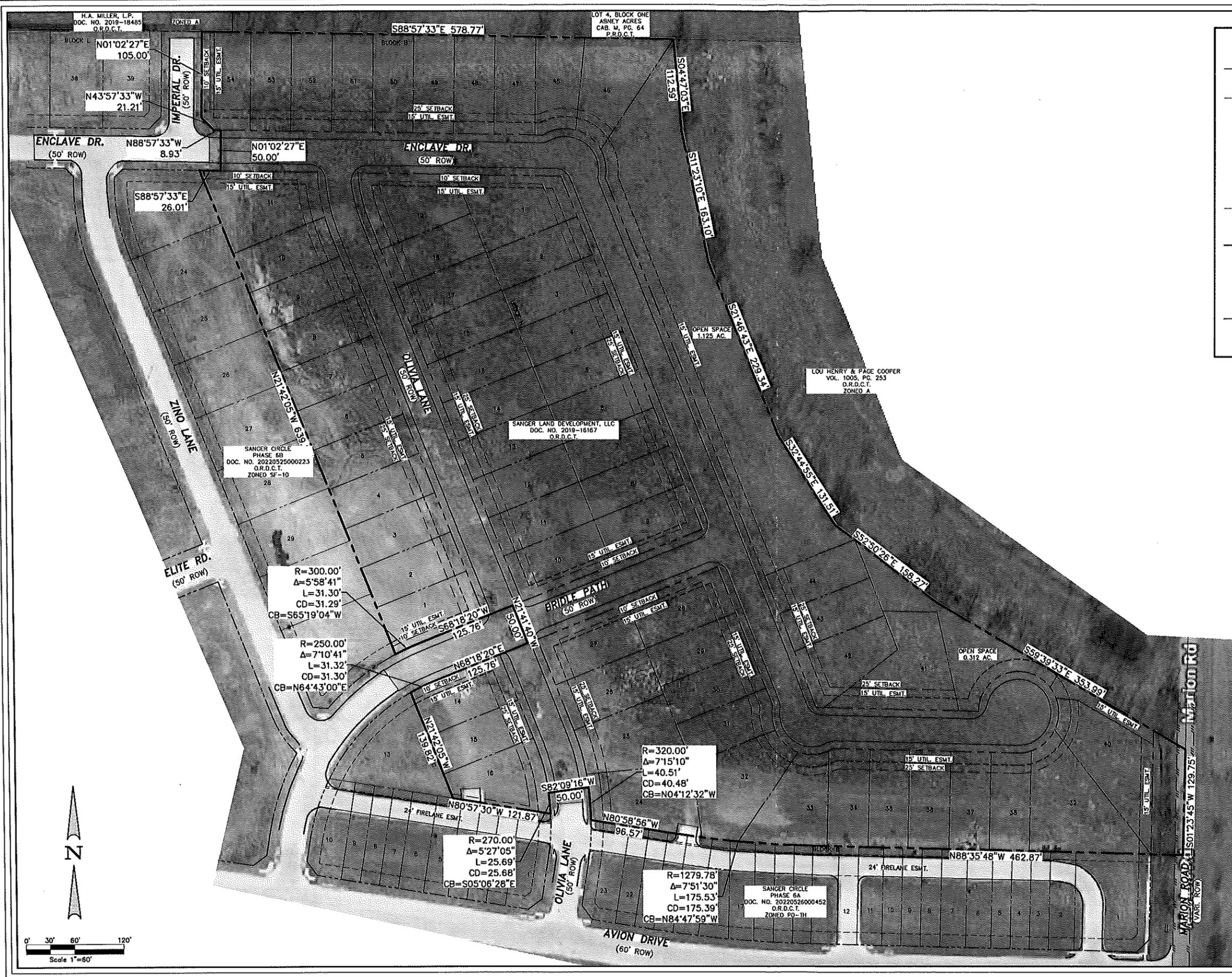


No.	DATE	REVISION	APPROV.

Middleton PROJECT ENGINEER:
& Associates, LLC.
 CONSULTING CIVIL ENGINEERS & LAND PLANNERS
 TBPE # 10900 © Copyright 2023
 2785 ROCKBROOK DRIVE, SUITE 105
 LEWISVILLE, TEXAS 75067 (972) 393-9800

CONCEPT PLAN
SANGER CIRCLE PHASE 7
64 LOTS - 14.908 ACRES
CITY OF SANGER DENTON CO. TEXAS

Drawing File: 0118001ZONE.DWG	DATE: 4-10-23	SCALE: 1"=60'
Project No. 0118001		



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Middleton PROJECT ENGINEER:
& Associates, LLC.
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CONCEPT PLAN
SANGER CIRCLE PHASE 7
64 LOTS - 14.908 ACRES
CITY OF SANGER DENTON CO. TEXAS

Drawing File: 0118001ZONE.DWG	DATE: 4-10-23	SCALE: 1"=60'	SHEET NO:
Project No. 0118001			