

CITY OF SANGER, TEXAS

ORDINANCE No. 09-24-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REGARDING A SPECIFIC USE PERMIT TO ALLOW A QUICK SERVICE FOOD AND BEVERAGE SHOP AT 904 S 5TH STREET IN THE PARKING LOT OF THE COTTON PATCH CENTER ON APPROXIMATELY 0.291 ACRES OF LAND DESCRIBED AS A1241A TIERWESTER, TR 240; 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, all requests for a Specific Use Permit (SUP) were duly filed with the City of Sanger, Texas, concerning the hereinafter described property; and

WHEREAS, following provision of proper legal notice requirements, which were made in the time and manner prescribed by law, including written notice to owners within 200 feet of the subject property; 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 a Specific Use Permit (SUP), recommending approval for the hereinafter described property; 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 a Specific Use Permit (SUP) to allow a Quick Service Food and Beverage Shop use is hereby granted for a period of one (1) year starting from the date of approval of the SUP by City Council. This is an approximately 0.291-acre site, described as A1241A Tierwester and shown in **Exhibit A**, located at 904 S 5th Street, approximately 183 feet east of the intersection of 5th Street and Freese Drive.

1. The SUP will expire 1 year after going into effect
2. The SUP will expire upon abandonment of the quick service food and beverage shop for a period of ninety (90) days.

3. No vehicle parking will be permitted within thirty (30) feet of the right-of-way of 5th Street.
4. No night operation of the business is permitted without adequate lighting.
5. The site must fully mitigate the effects of traffic and parking on the site, maintaining the site in day one condition throughout the life of the SUP.
6. Maximum building site of 128 square feet.
7. Minimum setback between building and parking area of fifteen (15) feet.
8. All necessary health permits will be maintained throughout the life of the SUP.

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. That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

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 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 case provides.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this 5th day of September 2023.

APPROVED:

ATTEST:

Thomas E. Muir, Mayor

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney

EXHIBIT A

Park here







BARBER

Smoking Wizard

CBD KRATOM
SMOKE SHOP

COOL VAPES
CIGARS-WATER PIPES-TOBACCO

KYLE'S

OPEN

BARBERS

DELI

DONUTS

-rooming

COOL VAPES

E-Cigs
supplies

Salon

TATTOO

JFY-0306