

**ORDINANCE 02-04-10**

**AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING SECTION 24 B-3 CENTRAL BUSINESS DISTRICT OF THE ZONING ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR 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 FOR AN EFFECTIVE DATE.**

WHEREAS, the Historic Preservation Commission was directed by the City Council to implement the Goal 3 of the 2007 Comprehensive Land Use Plan to encourage development and preservation of the Historic Downtown Area;

WHEREAS, the Historic Preservation Commission has conducted a public hearing about the land use regulations of the Historic Downtown Area and recommended amending the Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission has conducted a public hearing and recommended amending the Zoning Ordinance; Now Therefore,

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

**Section 1** Section 24 B-3 Central Business District of the Zoning Ordinance is amended to be as follows:

**SECTION 24 "B-3" CENTRAL BUSINESS DISTRICT**

General Purpose and Description: The "B-3" district is intended to provide a zoning category to meet the special needs and interests of the historically central commercial area of the community. A variety of commercial uses are permitted although all permitted activities are conducted within a building or structure.

24.1 Use Regulations: A building or premise shall be used only for the following purposes:

1. Uses permitted in the B-1 district.
2. Single family residential attached and multi-family dwellings.
3. Other uses as listed in Section 30 of this ordinance.

24.2 Height Regulations: No building shall exceed thirty-five (35) feet in height, except cooling towers, vent stacks or mechanical equipment rooms may project not more than twelve (12) feet beyond maximum building height.

24.3 Area Regulations:

1. Size of Yard:
  - a. Front Yard: None required.
  - b. Side Yard: None required, except where a B-3 district abuts a residential district in which case a minimum side yard of

ten (10) feet shall be provided. The side yard setback from a side street shall be fifteen (15) feet.

c. Rear Yard: None required, except where a B-3 district abuts a residential district (whether separated by an alley or not) in which case a minimum back yard of ten (10) feet shall be provided.

2. Size of Lot:

a. Minimum Lot Size: None.

b. Minimum Lot Width: None.

c. Minimum Lot Depth: None.

3. Lot Coverage: The maximum lot coverage by buildings shall be one hundred (100) percent of the lot area.

24.4 Parking Requirements: Off-street parking and loading shall be provided as set forth in Section 32, with the first twenty (20) required off-street parking spaces being subtracted from the total number required.

24.5 Architectural Standards: The exterior design of buildings within the district shall feature the architectural elements identified within the Chapter 8 Heritage Preservation of the 2007 Comprehensive Land Use Plan. Existing exterior details shall be preserved whenever possible. New structures shall replicate the style, scale, placement, awnings, and canopies of existing buildings within the same block whenever possible.

24.6 Architectural Review: Applications for a building permit or other required permit for construction work within the district must be reviewed and approved for compliance with the Architectural Standards prior to issuance. A minor project is an alteration that does not remove or conceal the heritage elements. A major project is one that removes or conceals heritage elements, one that adds contrasting elements, and/or a new structure greater than 200 square feet.

The design of minor projects can be approved by the Director of Development Services. Designs which can not be approved by the Director must be forwarded to the Historic Preservation Commission for consideration. The Director can forward a proposed design to the Historic Preservation Commission for any reason.

Major projects must be reviewed by the Historic Preservation Commission, and approved prior to issuance of a building permit. The Commission shall also review minor projects forwarded by the Director of Development Services. The Commission can make a finding of conformance with Architectural Standards and approve the design for issuance of a permit. Denial of a proposed design for lack of conformance with the Architectural Standards may be appealed by the applicant to the City Council.

**Section 2** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**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 an amount not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**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.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Sanger, Texas, on this 1<sup>st</sup> day of February, 2010.

ATTEST:

  
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City Secretary Tami Taber

