

**CITY OF SANGER, TEXAS**

**ORDINANCE No. 12-31-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REGARDING A SPECIFIC USE PERMIT TO ALLOW A FARMERS MARKET AT THE CORNER OF SOUTH STEMMONS FRWY AND WOOD STREET, ON THE WEST END OF 8.17 ACRES OF LAND DESCRIBED AS A1241A TIERWESTER, TR 165; 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 November 14, 2022, 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 Farmer’s Market on the west end of 8.17 acres of land zoned Business District 2 (B-2) use is hereby granted for the property described as A1241A TIERWESTER, TR 165 further described in **Exhibit A** with the following conditions:

1. The market will operate Saturday and Sunday the 1<sup>st</sup> and 3<sup>rd</sup> weekends of each month from mid-March to early December.
2. The Specific Use Permit (SUP) will expire one year from the date of approval.
3. Products offered at the market will comply with the state guidelines for farmer’s markets.



4. If the ownership of the farmer's market changes, the new owner will re-apply for the Specific Use Permit (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.

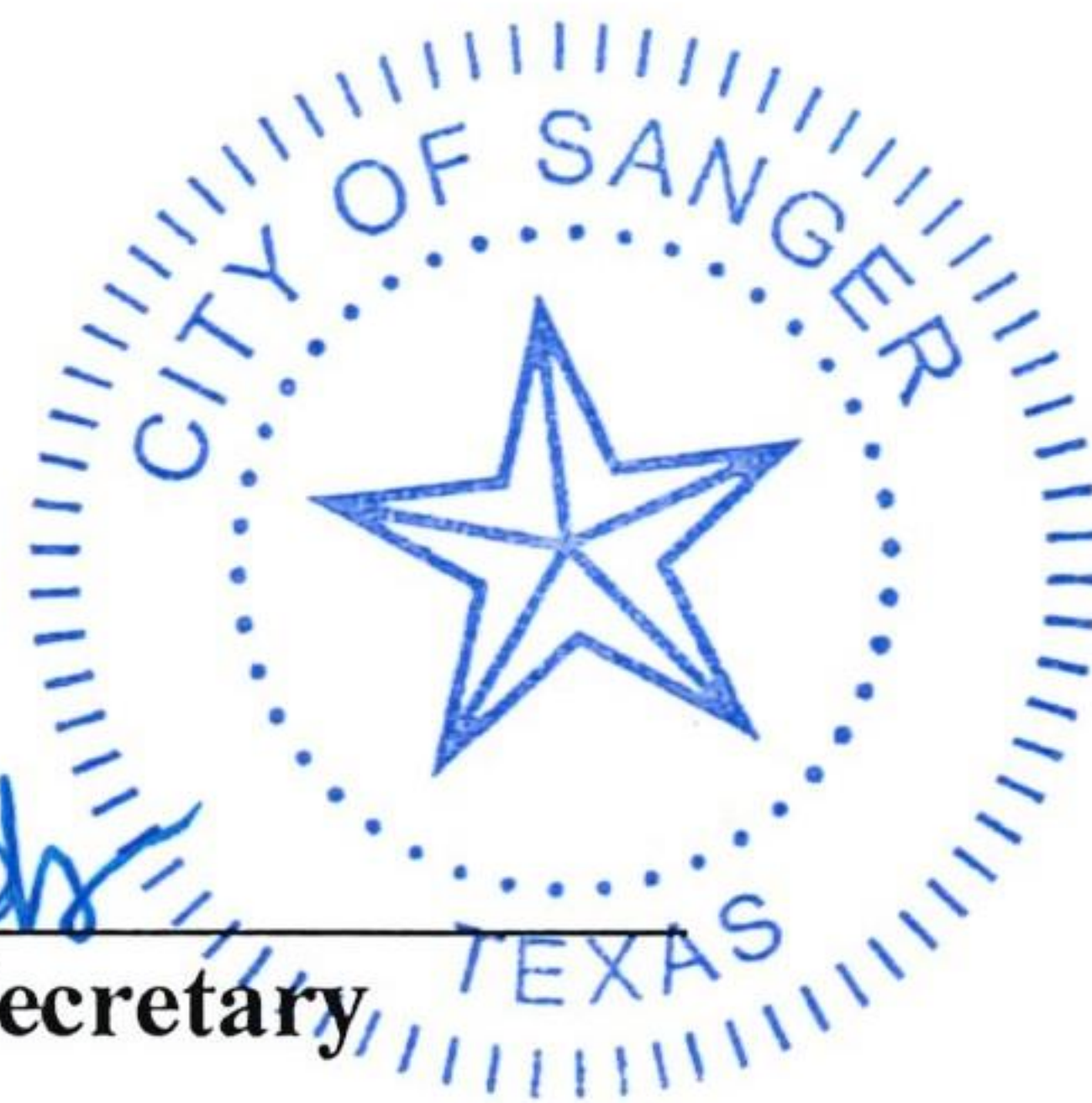
**SECTION 5.** Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of 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 December, 2022.

ATTEST:

  
Kelly Edwards, City Secretary



APPROVED:

  
Thomas E. Muir, Mayor

APPROVED TO FORM:

  
Hugh Coleman, City Attorney



