

ORDINANCE NO. 2021- 25

AN ORDINANCE AMENDING BELTMILL PLANNED DEVELOPMENT DISTRICT; PROVIDING DEVELOPMENT STANDARDS AND DEVELOPMENT PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council held a public hearing on April 20, 2021 establishing the Beltmill Planned Development District pursuant to Ordinance No. 2021-10 on approximately 116 acres of land out of Abstract 1497, Tracts 3A, 3D AND 3G3, Benjamin Thomas Survey, located north of Bailey-Boswell Road, east of Business 287 and west of Wagley Robertson Road; and

WHEREAS, the City has received an application to amend the Planned Development District on approximately 45.069 acres out of Beltmill and previously identified as Tracts 2 and 3 to be amended as “Tracts 2, 3A and 3B;” and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on November 9, 2021 and the City Council of the City of Saginaw, Texas held a public hearing on November 16, 2021, with respect to the proposed Planned Development District as described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural

requirements for the rezoning of the property; and

WHEREAS, the City Council finds that the requested Planned Development District as outlined herein is in the best interest of the City of Saginaw and will promote the health, safety and general welfare of the citizens of the City of Saginaw and the general public.

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

SECTION 1.

Ordinance No. 2021-10 is hereby amended with respect to the following property:

Tract 2, described as approximately 7.046 acres of land situated situated in the Heirs of Benjamin Thomas Survey, Abstract Number 1497, City of Saginaw, Tarrant County, Texas, and being part of that certain called 398.635 acre tract of land described in Exhibit A in deed in favor of Beltmill Saginaw, LLC., recorded in Instrument Number D220330746 of the Official Public Records of Tarrant County, Texas, as more particularly described on Exhibit "A" attached hereto; and,

Tract 3A, described as approximately 11.486 acres of land situated in the Heirs of Benjamin Thomas Survey, Abstract Number 1497, City of Saginaw, Tarrant County, Texas, and being part of that certain called 398.635 acre tract of land described in Exhibit A in deed in favor of Beltmill Saginaw, LLC., recorded in Instrument Number D220330746 of the Official Public Records of Tarrant County, Texas, as more particularly described on Exhibit "A" attached hereto; and,

Tract 3B described as approximately 26.537 acres of land situated in the Heirs of Benjamin Thomas Survey, Abstract Number 1497, City of Saginaw, Tarrant County, Texas, and being part of that certain called 398.635 acre tract of land

described in Exhibit A in deed in favor of Beltmill Saginaw, LLC., recorded in Instrument Number D220330746 of the Official Public Records of Tarrant County, Texas, and being more particularly on Exhibit "A" attached hereto.

Ordinance No. 2021-10 shall remain unmodified with respect to the remainder of the property described in said ordinance establishing the Beltmill Planned Development District.

SECTION 2.

The use of Tracts 2, 3A and 3B shall be subject to the development restrictions, terms and conditions set forth in Exhibit "B" attached hereto, as well as the Development Plan attached hereto as Exhibit "C."

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall

be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 16th DAY OF NOVEMBER, 2021.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney

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EXHIBIT "A"

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