

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2021-26**

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING THE ZONING REGULATIONS OF THE CITY BY AMENDING ARTICLE 8, SECTION 8-3, BY REMOVING TWO SUBSECTIONS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING FOR 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 of the City of Saginaw heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Regulations of the City of Saginaw, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council of the City of Saginaw previously adopted Ordinance No. 2010-08, amending Ordinance 2002-04, and creating a Subparagraph A.3, allowing construction of outdoor patio covers; and

WHEREAS, the City Council of the City of Saginaw has determined that regulations should be amended to remove two provisions of at Subparagraph specifying maximum area and dimensions; and

WHEREAS, the Zoning Regulations require that all public hearings, both before the Planning and Zoning Commission and City Council, associated with a proposed change in zoning regulations, be preceded by published newspaper-notice of the same; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and Section 1-3 of the Zoning Regulations and all other laws dealing with notice, publication and procedural requirements for the amendment proposed.

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

SECTION 1

That Article 8, Section 8-3, Subparagraph A.3. of the Zoning Regulations of the City of Saginaw is hereby amended to read as follows:

Sec. 8-3. General yard requirements.

* * *

A. *Projections of structural features.*

* * *

3. A patio cover may be constructed in a required rear yard setback provided that:
 - a. *Maximum height.* Maximum height of a patio cover shall not exceed 12' unless tied into an existing gable; or creating a gable end requires a higher elevation, as approved by the building official. In no case shall a cover be constructed that exceeds one story in height.
 - b. *Distance.* The distance from any of the patio cover's components cannot be within 5 feet of the rear property line, or within any portion of the required side yard or easement.
 - c. *Enclosure.* The cover cannot be enclosed with any material, permanent or temporary, and must be open on at least three sides.
 - d. *Materials.* All materials used in the construction of the cover must be weatherproof or painted.
 - e. *Metal roofing.* Metal roofing shall be a minimum of 26-gauge thickness.
 - f. *Drainage runoff.* The cover must not be constructed in a manner that will redirect or divert the existing drainage runoff in a way that negatively impacts adjacent property.

SECTION 2

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 3

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 4

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 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). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6

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 7

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on this ____ day of November, 2021 at a regular meeting of the City Council of the City of Saginaw, Texas.

Todd Flipppo, Mayor

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM:

Bryn Meredith, City Attorney