

ORDINANCE NO. 2022-____

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING ARTICLE 3, "BOARD OF ADJUSTMENT," OF APPENDIX A, "ZONING," OF THE SAGINAW CITY CODE, WHICH ESTABLISHES A BOARD OF ADJUSTMENT AND PROVIDES FOR THE PURPOSES, ORGANIZATION, AND MEMBERSHIP OF THE BOARD; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY 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;

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City Council of the City of Saginaw (City Council) has provided for a Board of Adjustment to make special exceptions to the terms of the City's Zoning Ordinance that are consistent with its general purpose and intent of the ordinance and in accordance with any applicable rules contained in the Zoning Ordinance; and

WHEREAS, the City Council has previously established regulations for the administrative governance of the Board of Adjustment and now seeks to update those regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on _____, 2022, and the City Council of the City of Saginaw, Texas, held a public hearing on _____, 2022, with respect to the regulations 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 to amend the Zoning Regulations of the City.

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

SECTION 1.

That Sections 3-1, 3-2, 3-5, and 3-8 of Article 3, "Board of Adjustment," of Appendix A, "Zoning," of the Saginaw City Code are hereby amended to read as follows:

"Sec. 3-1. Creation.

The city council does hereby create a board of adjustment to be composed of five regular members and two alternate members who shall be qualified electors of the city and shall have resided in the city six months prior to appointment. It is the declared policy

of the council that it will appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings.

Sec. 3-2. Terms of office.

The terms of three regular and one of the alternate members shall expire on June 30 in each odd numbered year, and the terms of two regular and of one of the alternate members shall expire on June 30 in each even numbered year. The regular members shall be identified by place numbers one through five. The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Each member's term of office shall be two years. Board members may apply to be reappointed to succeed themselves.

* * *

Sec. 3-5. Organization, Meeting, and Quorum.

(a) *Organization.* The board shall hold an annual organizational meeting and shall elect a chair, vice-chair, and secretary from among its members before proceeding with any other matters of business. The enforcing officer shall be the director of community development or his designee. The board shall meet at least once every three months, and shall designate the time and place of its meetings. The board shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the statutes and these regulations.

(b) *Member requirements.* Newly appointed members shall be installed at the first regular meeting after their appointment. Members shall complete all statutorily required open government training within 90 days of either the date upon which the member is sworn into service or the date by which the member assumes their responsibilities, whichever is sooner.

(c) *Quorum.* A quorum for the conduct of business shall consist of four members of the board. The members of the board shall regularly attend meetings and public hearings of the board and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

(d) *Administration.* The board with the assistance of the City Manager, or his designee, shall post agendas, minutes, and attendance on the board's webpage on the city's official website. The board shall provide an annual report to the city council, as well as additional or supplemental reports upon request of the city council.

* * *

Sec. 3-8. Authorized special exceptions.

The following uses may be permitted as special exceptions by the board of adjustment in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board may impose for protection of the public health or safety:

Special Exception	District Where Permitted
* * *	* * *
Additional height for parking lot light poles (Section 8-11.E.3)	All nonresidential districts and all nonresidential uses in residential districts
* * *	* * *

* * *

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code, and except where 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 phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any 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 phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED ON THIS ____ DAY OF _____, 2022.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY