

ORDINANCE NO. 2023-11

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, REZONING PROPERTY DESCRIBED AS APPROXIMATELY 15.2 ACRES, OUT OF THE ALBRIGHT, ALEXANDER F SURVEY, ABSTRACT 1849, TRACT 3H, SAGINAW, TARRANT COUNTY, TEXAS, FROM COMMUNITY COMMERCIAL (CC) ZONING TO “NMU” NEIGHBORHOOD MIXED-USE ZONING; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas 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 has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the general public and has adopted zoning regulations to further this interest; and

WHEREAS, the City adopted an update to the Comprehensive Plan in 2022, which includes a Future Land Use Plan designating certain areas as Neighborhood Mixed-Use (NMU); and

WHEREAS, the City adopted a new NMU zoning district to implement the Comprehensive Plan by providing for low-intensity mixed uses compatible with residential land uses and encouraging the development of community gathering spaces, and enacting regulations related to landscaping, screening, and fencing of this new zoning district; and

WHEREAS, the City has selected the subject parcel to rezone to NMU based on its designation of NMU in the Comprehensive Plan’s Future Land Use Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on November 08, 2022, and the City Council of the City of Saginaw, Texas, held a public hearing on February 21, 2023, 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, THAT:

SECTION 1.

The Comprehensive Zoning Ordinance of the City of Saginaw, as amended, is hereby amended by rezoning the property more fully described and depicted on the attached Exhibit "A" as "NMU" Neighborhood Mixed-Use District.

SECTION 2.

The use of the properties described above shall conform to all applicable regulations contained in the zoning ordinance and all other applicable and pertinent ordinances of the City of Saginaw.

SECTION 3.

The zoning district as herein established has been made in accordance with the Comprehensive Plan's Future Land Use Plan for the purpose of promoting the health, safety, morals, and general welfare of the community.

SECTION 4.

The official zoning map of the City of Saginaw is hereby amended and the City Secretary is directed to revise the zoning map to reflect the zoning classification, as set forth above.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and the Code of Ordinances of the City of Saginaw, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

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 phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

All rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the Saginaw City Code or any amendments thereto 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 or criminal, same shall not be affected by this ordinance but may be prosecuted until

final disposition by the courts.

SECTION 8.

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 (\$2000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

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 10.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the ____ day of _____, 2022.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney

EXHIBIT A

