

City Council Agenda

SAGINAW CITY COUNCIL NOTICE OF MEETING AND PUBLIC HEARING

Meeting, Public Hearing, and/or Executive Session Agenda

6:30 PM - Tuesday, August 13, 2019

Saginaw City Hall Council Chambers

333 West McLeroy Blvd.

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at Saginaw City Hall, and distributed to the appropriate news media within the required time frame. All meetings of the Saginaw City Council are open to the public. Public participation and written comments are invited on all open session business items.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside to respond to a page or to conduct a phone conversation.

The City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required please contact the City Secretary a minimum of 72 hours in advance at 817-232-4640.

(1) Call to Order--Todd Flippo, Mayor

(2) Audience Participation--On the Video Screen

- (3) PUBLIC HEARING - Consideration and Action regarding a Recommendation from the Planning and Zoning Commission regarding Adoption of an Ordinance amending Appendix A (Zoning Ordinance No. 2002-04) of the Code of Ordinances regarding governing Public Schools, Private Schools, and Open Enrollment Charter Schools; Providing for Regulations Governing Use by Right, Conditional Use and Prohibited Use in each Zoning District; Providing for Definitions for each Use;and Providing for Land Use Development Criteria for each Use (Ordinance No. 2019-12)--Rick Trice, P.E., Director of Public Works**

(4) Executive Session

551.071. Texas Government Code.

Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of

Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items:

(a) Any Posted Item

(5) Adjournment--Todd Flippo, Mayor



City of Saginaw

Meeting Date: 8/13/2019

Staff Contact: Rick Trice, P.E., Director Public Works

Agenda Items: (3)

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Phone: (817) 230-0449

SUBJECT:

PUBLIC HEARING - Consideration and Action regarding a Recommendation from the Planning and Zoning Commission regarding Adoption of an Ordinance amending Appendix A (Zoning Ordinance No. 2002-04) of the Code of Ordinances regarding governing Public Schools, Private Schools, and Open Enrollment Charter Schools; Providing for Regulations Governing Use by Right, Conditional Use and Prohibited Use in each Zoning District; Providing for Definitions for each Use; and Providing for and Use Development Criteria for each Use (Ordinance No. 2019-12)

BACKGROUND/DISCUSSION:

In recent years the City has experienced increased traffic congestion resulting from the development of new school sites. The development of these schools in close proximity to other existing schools and along corridors that may not have sufficient capacity impacts safety and may increase inconvenience to the public.

In order to provide a higher level of public review, staff is recommending that “*School, primary or secondary*” use be required to obtain a Special Use Permit. This requirement will allow increased opportunity for the city to mitigate the impacts resulting from the development.

The amended Use Table will allow “*School, primary or secondary*” to be allowed in all districts with the requirement of a Special Use Permit as follows:

P = Permitted Use, S = Specific Use Permit, Blank = Prohibited Use																		
City of Saginaw Land Use Table																		
Residential											Land Use Designation	Nonresidential						Supplemental Conditions
A	S	S	S	S	S	D	Z	M	M	M		O	N	C	C	L	H	
G	F	F	F	F	F	X	L	H	F	F		P	C	C	F	I	I	
	1	2	3	4	A		L		1	2								
S	S	S	S	S	S	S	S	S	S	S	School, Primary or Secondary	S	S	S	S	S	S	22

Supplemental Condition 22 in Article 5, Section 5.2 (Special Conditions for Listed Uses) are:

22. Requires a traffic impact analysis (TIA) to be submitted. If a site plan is required, the TIA shall be submitted with the site plan.

The definition for “*School, primary or secondary*” will be amended to read as follows:

“*School, primary or secondary.* A public or private facility, including an open enrollment charter school or any other entity described by Chapter 12 of the Texas Education Code, as it may be amended, that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools, but excluding institutions of higher education.”

The Planning and Zoning Commission is scheduled to consider this item at its August 13, 2019 meeting.

FINANCIAL IMPACT:

N.A.

RECOMMENDATION:

It is recommended that the City Council adopt Ordinance 2019-12.

ATTACHMENTS:

Description

Ordinance 2019-12

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2019-12**

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING THE SAGINAW CITY CODE BY AMENDING APPENDIX “A,” THE ZONING REGULATIONS OF THE CITY; MORE PARTICULARLY AMENDING SECTION 5-1, PERMITTED USE TABLE GOVERNING PUBLIC SCHOOLS, PRIVATE SCHOOLS, AND OPEN ENROLLMENT CHARTER SCHOOLS; PROVIDING FOR REGULATIONS GOVERNING USE BY RIGHT, CONDITIONAL USE AND PROHIBITED USE IN EACH ZONING DISTRICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; 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 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, Section 5-1 sets forth the permitted land use table, which table presents the zoning district classifications and the permitted uses within those classifications; and

WHEREAS, the City Council finds that primary and secondary schools present unique traffic congestion problems that pose a safety risk to students, teachers, parents, residents, and motorists in and around school locations; and

WHEREAS, in a 2007 study conducted by Nancy G. La Vigne, in coordination with the U.S. Department of Justice, Office of Community Oriented Policing Services, the author concluded: “While many factors contribute to the problem of school traffic congestion, according to experts, the single greatest explanation for recent school traffic congestion is the growth of the school-aged population over a relatively short time, combined with urban sprawl. Both factors have led to an unanticipated volume of students’ being taken to school by car, rendering original school drop-off and pick-up schemes (including guidelines for when and where parents may drop off, pick up, and park), street layouts, and traffic control measures ineffective in controlling congestion”; and

WHEREAS, in order to in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City the City Council deems it necessary that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on August 13, 2019, and the City Council of the City of Saginaw, Texas, held a public hearing on August 13, 2019, with respect to the amendment described herein; 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 Section 5-1 of Article 5 of Appendix "A," Zoning, of the Saginaw City Code, is hereby amended by amending the land use designation "School, Primary or Secondary," to read as follows:

A G	S F 1	S F 2	S F 3	S F 4	S F A	D X	Z L L	M H	M F 1	M F 2		O P	N C	C C	C F	L I	H I
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S	S	S	S	S	S	S	S	S	S	S	School, Primary or Secondary	S	S	S	S	S	S	22
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SECTION 2

That Part B, "Land Use Definitions and Explanations," of Section 12-2 of Article 12 of Appendix "A," Zoning, of the Saginaw City Code, is hereby amended by amending the definition "School, primary or secondary," to read as follows:

"School, primary or secondary. A public or private facility, including an open enrollment charter school or any other entity described by Chapter 12 of the

Texas Education Code, as it may be amended, that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools, but excluding institutions of higher education.”

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

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 6

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 7

The caption and the penalty clause of this ordinance shall be published in accordance with Section 52.013(b) of the Local Government Code, where required by law.

SECTION 8

This Ordinance shall be in full force and effect from and after the date of its passage and Section 6 hereof is effective from and after its date of passage or its date of publication where required by law, whichever is later, and it is so ordained.

PASSED AND APPROVED ON THIS 13th DAY OF AUGUST, 2019 at a meeting of the City Council of the City of Saginaw, Texas.

Todd Flippo, Mayor of the City
of Saginaw, Texas

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney