

ORDINANCE NO. 2023-02

ZONING CASE PZ 0123-03

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY REVISING THE ZONING CLASSIFICATION ON PROPERTY CONSISTING OF APPROXIMATELY 2.5 ACRES OF LAND AND DESCRIBED AS SAGINAW BLOCK 4 PT BLK 4, TARRANT COUNTY, TEXAS, AND SAGINAW, BLOCK 4 ALL LESS E25, TARRANT COUNTY, TEXAS, AND LOCATED AT THE SOUTHWEST CORNER OF WEST FRANKLIN AND SAGINAW BOULEVARD (BUS-287) ALSO KNOWN AS 400 S. SAGINAW BLVD 405 S. BELMONT STREET, FROM ITS PRESENT CLASSIFICATION PRESENT CLASSIFICATION OF "CF" – COMMUNITY FACILITY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT; 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 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 of Saginaw, as owner of property consisting of approximately 2.5 acres of land and described as Saginaw Block 4 PT BLK 4, Tarrant County, Texas, and Saginaw, Block 4 All Less E25, Tarrant County, Texas, and located at the southwest corner of West Franklin and Saginaw Boulevard (BUS-287) also known as 400 S. Saginaw Blvd 405 S. Belmont Street, from its present classification present classification

of “CF” – Community Facility District to “PD” – Planned Development District; and

WHEREAS, the City Council finds and determines that the purpose and intent of the PD Zoning District herein granted is to provide for compatible land, building and structural uses primarily oriented to commercial and entertainment uses; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas, held a public hearing on January 10, 2023, and the City Council of the City of Saginaw, Texas held a public hearing on January 17, 2023, with respect to the zoning change 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.

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

SECTION 1.

Ordinance No. 2002-04, as amended, is hereby amended by rezoning property consisting of approximately 2.5 acres of land and described as Saginaw Block 4 PT BLK 4, Tarrant County, Texas, and Saginaw, Block 4 All Less E25, Tarrant County, Texas, and located at the southwest corner of West Franklin and Saginaw Boulevard (BUS-287) also known as 400 S. Saginaw Blvd 405 S. Belmont Street and depicted in Exhibit “A” hereto (Location Map), from its present classification present classification of “CF” – Community Facility District to “PD” – Planned Development District.

SECTION 2.

The zoning districts as herein established have been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 3.

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

SECTION 4.

The use of the property described above shall be subject to the development restrictions, terms and conditions set forth in Exhibit "B" hereto, the Development Plan, the development regulations contained in this section, and to the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Saginaw. The development regulations applicable to the CC – Community Commercial District shall govern the use and development of the property; provided, however, that they are hereby varied to the extent they are inconsistent with the specific development criteria set forth as follows:

1. Permitted uses:
 - a. Sit Down Restaurant, with or without alcohol sales,
 - b. Sit Down Restaurant, with live music.
2. No drive-through restaurants shall be permitted.
3. Development shall contain no more than three structures (existing or proposed) utilized for sit down restaurants, or associated accessory uses, and shall be sited for interaction with a shared and activated courtyard plaza for outdoor seating and gathering, in addition to features necessary to serve the development (ex. continuous pedestrian system, dumpsters, etc.).
4. Minimum front yard setback shall be zero (i.e. none required)
5. Minimum rear yard setback shall be zero (i.e. none required)
6. Required screening of roadways shall not be required.

7. With consideration of a formal site plan application, the following may also be considered and approved by City Council, if necessary:
- a. Alternate parking and loading plan (including off premises parking lot if applicable),
 - b. Alternate landscaping plan, and/or an
 - c. Alternate noise plan.
 - d. Driveway spacing and throat depth per City and TxDOT standards or as otherwise reviewed and approved by the City Engineer.
8. Any deviation from the Development Plan attached as Exhibit "B," hereto shall require an amendment of this Ordinance.

SECTION 5.

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 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 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 7.

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 8.

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.

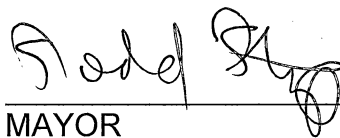
SECTION 9.

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.

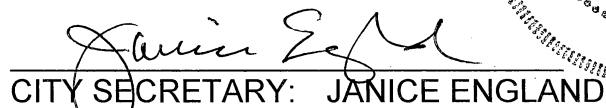
SECTION 10.

This ordinance shall 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 17th DAY OF JANUARY, 2023.


MAYOR

ATTEST:


CITY SECRETARY: JANICE ENGLAND



EFFECTIVE: 1-27-2023

APPROVED AS TO FORM AND LEGALITY:

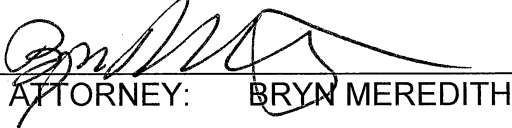
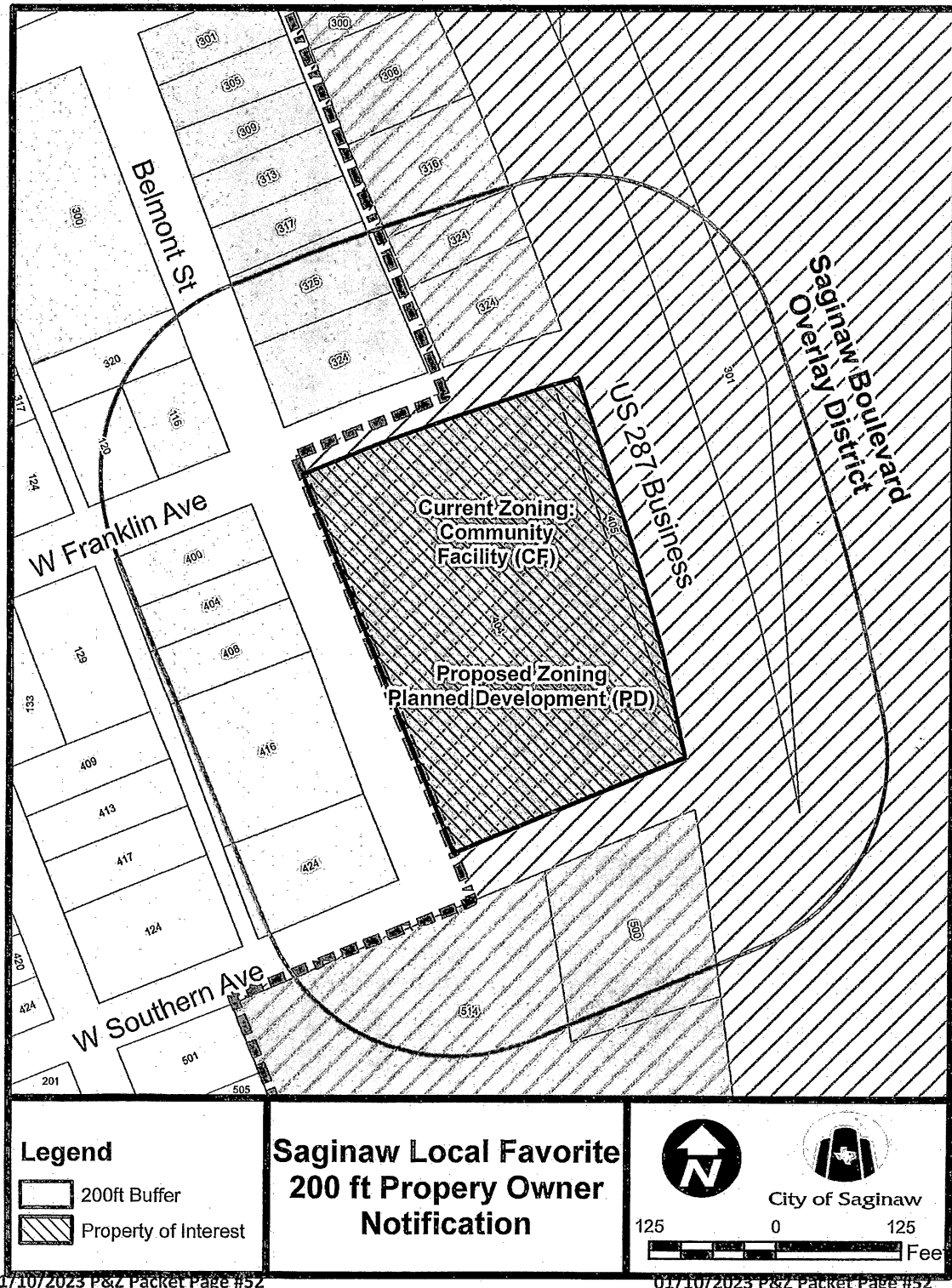

CITY ATTORNEY: BRYN MEREDITH

EXHIBIT A – LOCATION MAP



01/10/2023 P&Z Packet Page #52

01/10/2023 P&Z Packet Page #52

EXHIBIT B – DEVELOPMENT PLAN

