

ORDINANCE NO. 2023-19

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 2.987 ACRES OF LAND KNOWN AS 816 W. MCCLEROY BLVD. AND COMPRISING A PORTION OF TRACT 2A, ALEXANDER F. ALBRIGHT SURVEY, ABSTRACT 1849, CITY OF SAGINAW, TARRANT COUNTY, TEXAS, FROM MF-1 (MULTI-FAMILY) to PD (PLANNED DEVELOPMENT) WITH MF-1 (MULTI-FAMILY) USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw (the "City") 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, pursuant to Chapter 211 of the Local Government Code, the City Council of the City heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Ordinance of the City, 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 has previously passed an ordinance adopting a Comprehensive Land Use Plan as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

WHEREAS, in accordance with Section 7-1 of the Zoning Ordinance of the City, the owner(s) of the property described as approximately 2.987 acres of land known as 816 W. McLeroy Blvd. and being a portion of Tract 2A of the Alexander F. Albright Survey, Abstract 1849, City of Saginaw, Tarrant County, Texas, as more fully described on the attached Exhibit "A," have filed an application to change the zoning classification from MF-1 (Multi-Family) to PD (Planned Development) with MF-1 (Multi-Family) uses; and

WHEREAS, the site plan previously approved for the development planned for the subject property, Senior Living at Saginaw Phase 3, generally conforms with the regulations described herein; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 27, 2023 and the City Council held a public hearing on July __5th__, 2023 with respect to the zoning changes and amended land use designation described herein; and

WHEREAS, upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission, and of all testimony and information submitted during the public hearings, the City Council has further determined that the requested rezoning of the below described property is in the best interest of the citizens of Saginaw; and

WHEREAS, the City Council has determined that the requested rezoning of the below described property is in accordance with the growth goals, objectives, and planning principles set forth in the Comprehensive Land Use Plan; and

WHEREAS, the City has complied with all requirements of Chapters 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1)

The Saginaw, Texas, Zoning Ordinance No. 2002-04, as amended, is hereby amended by rezoning approximately 2.987 acres of land being a portion of Tract 2A of the Alexander F. Albright Survey, Abstract 1849, City of Saginaw, Tarrant County, Texas, as more specifically described and depicted on Exhibit "A," attached hereto and incorporated herein, commonly known as 816 W. McLeroy Blvd. from MF-1 (Multi-Family) to PD (Planned Development) with MF-01 (Multi-Family) uses, subject to the development standards set forth in Exhibit "B" attached hereto and incorporated herein and all other applicable zoning regulations to the extent not in conflict Exhibit "B."

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 is hereby amended in accordance with the foregoing provisions, and the City Secretary is hereafter directed to revise the Zoning Map to reflect zoning classifications as set forth above.

SECTION 4)

The use of the property described above shall be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City.

SECTION 5)

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code, 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 deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Saginaw City Code. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8)

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04, as amended, 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 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 Texas Local Government Code.

SECTION 10)

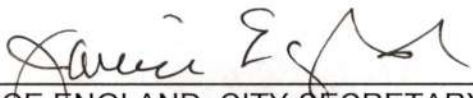
This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 5th DAY OF JULY, 2023.



TODD FLIPPO, MAYOR

ATTEST:



JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: 7-26-2023

APPROVED AS TO FORM AND LEGALITY:



BRYN MEREDITH, CITY ATTORNEY



