

ORDINANCE NO. 2024-22

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO APPROXIMATELY 12.95 ACRES OF LAND KNOWN AS TRACT 2C OF THE ALEXANDER F. ALBRIGHT SURVEY, ABSTRACT A1849, CITY OF SAGINAW, TARRANT COUNTY, TEXAS, AND LOCATED AT THE NORTHEAST CORNER OF OLD DECATUR ROAD AND WEST MCLEROY BOULEVARD; CHANGING THE ZONING CLASSIFICATION ON SAID PROPERTY FROM NMU (NEIGHBORHOOD MIXED-USE) TO PD (PLANNED DEVELOPMENT); REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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 (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, the City Council of the City heretofore adopted Ordinance No. 2002-04, as amended, the Zoning Ordinance of the City of Saginaw, which 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 the 2016 Comprehensive Master Plan, as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the 2016 Comprehensive Master Plan provides guidance for future development in conformance with the Future Land Use Map; and

WHEREAS, the owner of certain property comprising approximately 12.95 acres of land and described as Tract 2C, a Tract out of the Alexander F. Albright Survey, Abstract A1849, City of Saginaw, Tarrant County, Texas, and Located at the Northeast Corner of Old Decatur Road and West McLeroy Boulevard, from its present classification of NMU (Neighborhood Mixed-Use) to PD (Planned Development); 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 residential uses; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on August 13, 2024, and the City Council held a public hearing on August 20, 2024 with respect to the proposed zoning amendment as described herein; and

WHEREAS, the City Council has determined that an amendment to the Future Land Use Map, as provided herein, rezoning the below described property from NMU to PD is appropriate and is in accordance with growth goals, objectives, and planning principles set forth in the 2016 Comprehensive Master Plan; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws and regulations dealing with notice, publication, and procedural requirements for the approval of an amendment to the zoning on the property; and

WHEREAS, the City Council finds that amendment of the Zoning Regulations as outlined herein is in the best interest of the City and will promote the health, safety, and general welfare of the citizens of the City and the general public.

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

SECTION 1.

The Saginaw, Texas, Comprehensive Land Use Plan, as amended, is hereby amended by changing the Future Land Use Map to change the land use designation of the property and area described below and located at the Northeast Corner of Old Decatur Road and West McLeroy Boulevard:

Approximately 12.95 acres of land described as Tract 2C, a Tract out of the Alexander F. Albright Survey, Abstract A1849, City of Saginaw, Tarrant County, Texas, as more particularly described on Exhibit "A," attached hereto.

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 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 Concept 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. The development regulations applicable to the "NMU" 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. Uses in the "NMU" District shall be in accordance with Section 5-1 of Appendix A of the City Code of Saginaw. A minimum of seventy percent (70%) of the development frontage along West McLeroy Boulevard and forty-three percent (43%) of the development frontage along Old Decatur Road, for a depth of at least one hundred (100) feet, shall consist of ground floor commercial uses not directly associated with the development's residential leasing or resident service areas (ex. mailboxes, leasing office, non-publicly accessible amenities, etc.). Major corridors are defined as any property fronting an existing or proposed roadway classified and designated on the master thoroughfare plan, other than local streets.
2. Area requirements. Minimum distance between residential structures: ten (10) feet, regardless of building orientation, measured from the dripline of any structure or structurally attached features.
3. The trees utilized within the development shall be a minimum of three (3)-inch caliper at the time of planting and shall be a variety of at least three (3) different species.
4. The following amenities shall be required, in addition to minimum requirements within the Saginaw City Code:
 - a. Two (2) primary common areas (including full landscaping with open air pavilion, picnic tables, grills, trash cans, and gang/cluster mailboxes),
 - b. Five (5)-foot sidewalks throughout,
 - c. Decorative street lights,
 - d. Masonry entryway and masonry fencing along the residential portion of the development, along W. McLeroy Boulevard and along Old Decatur Road,
 - e. Six (6)-foot, open, iron fence for residential lots adjacent to common areas, and
 - f. The Homeowners Association shall maintain all common areas, entryways, perimeter fencing, mowing, and edging of all private front yards.
5. Development shall generally conform to the attached Exhibit "B" – Concept Plan.

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 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, sentence, 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 are expressly saved as to any and all violations of the Saginaw City Code or any amendments thereto regarding 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 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 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.

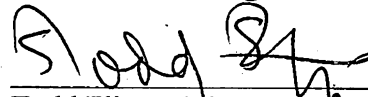
SECTION 9.

The City Secretary of the City is hereby directed to publish at least twice in the official newspaper of the City the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 10.

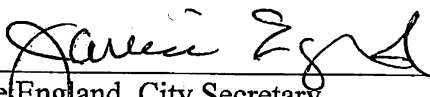
This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the 20th of August, 2024.

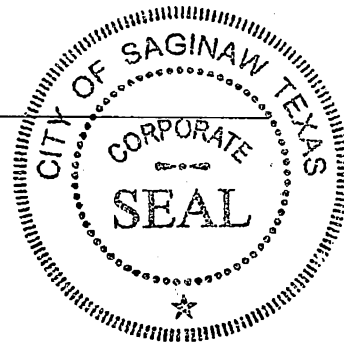


Todd Flippo, Mayor

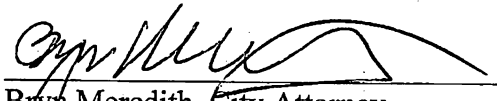
ATTEST:



Janice England, City Secretary

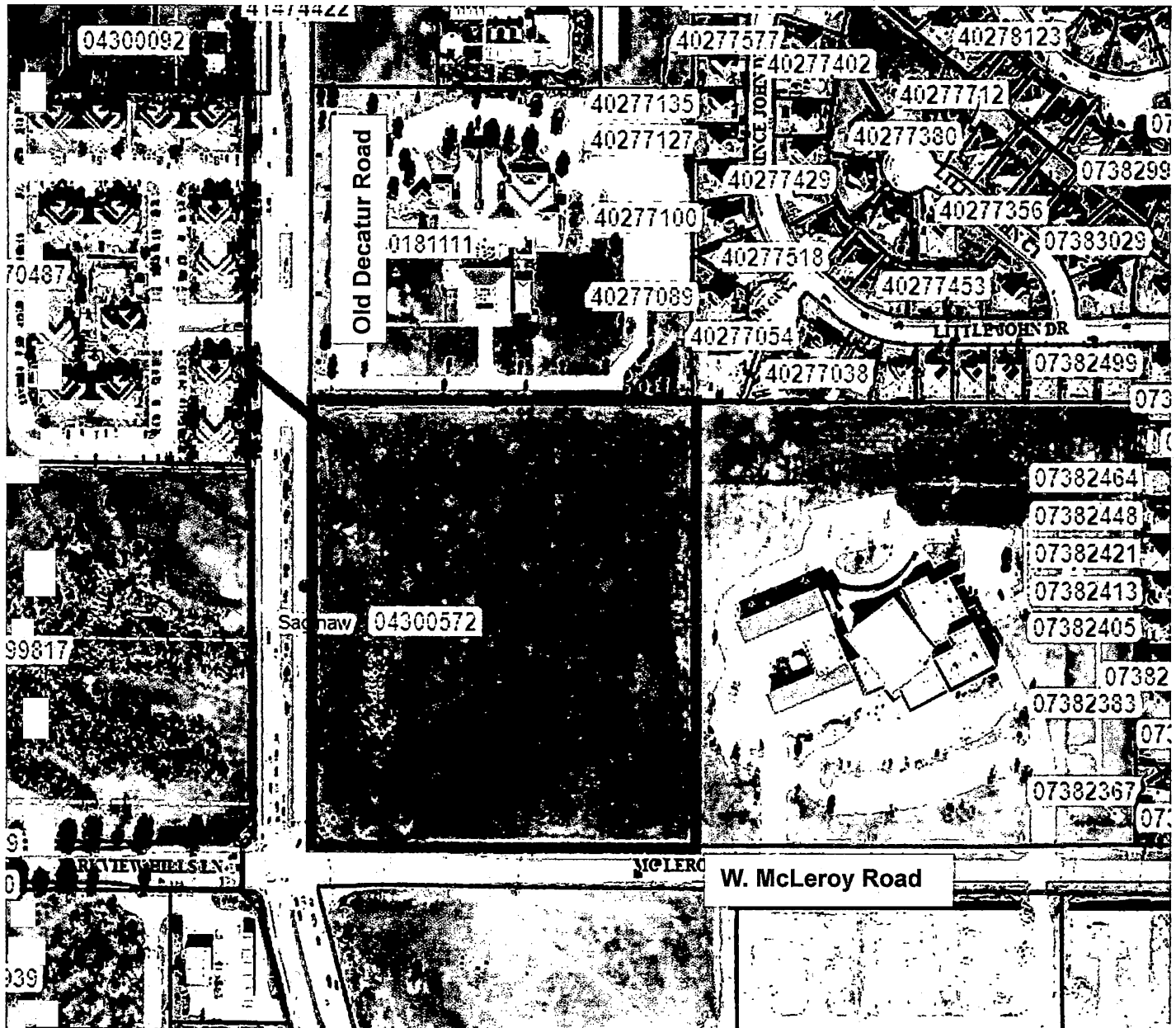


APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith, City Attorney

Exhibit A - Location Map



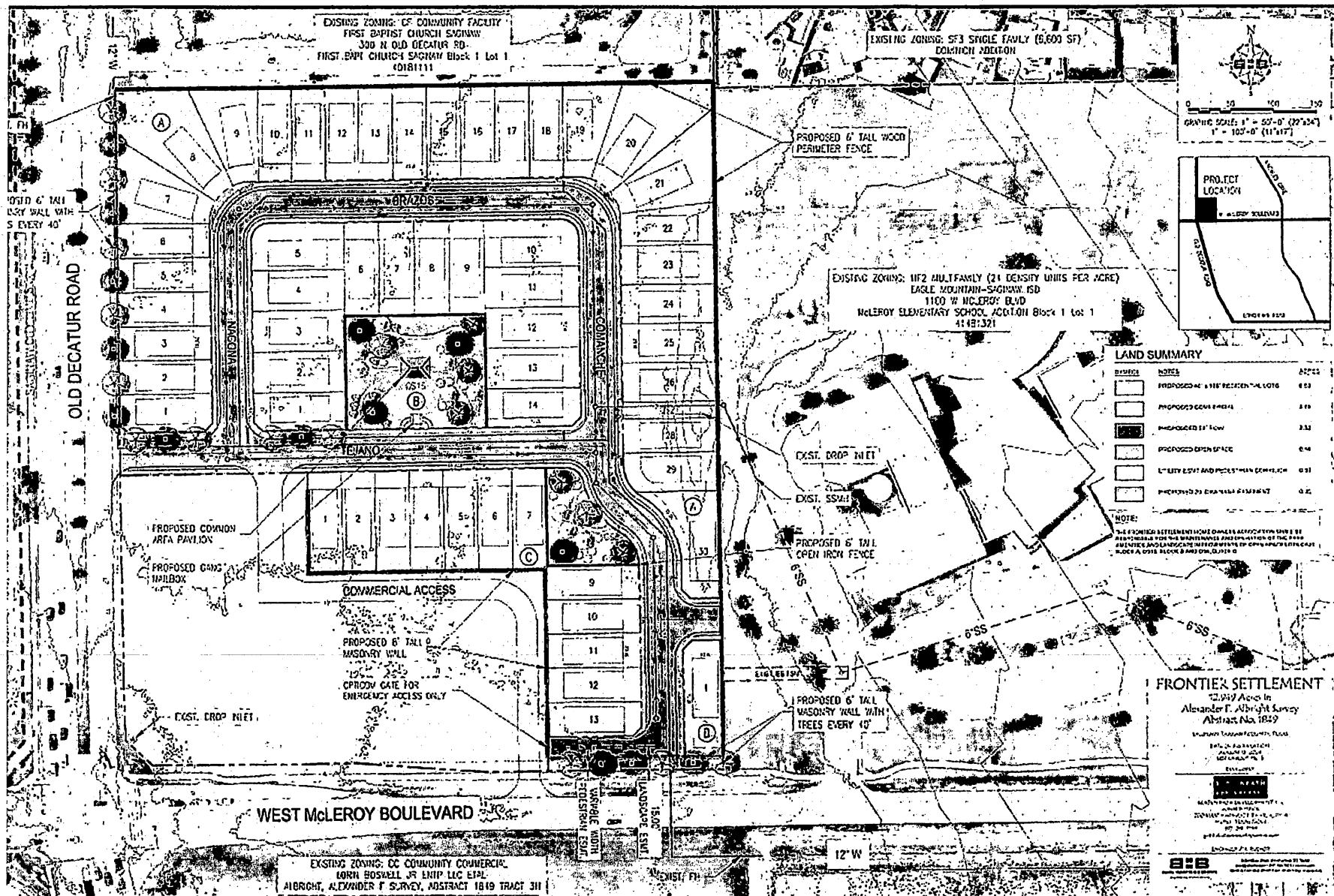


Exhibit B - Concept Plan

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