

**ORDINANCE NO. 2023-03**

**AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING SUBSECTIONS C AND D OF SECTION 6-18 “NMU (NEIGHBORHOOD MIXED USE)” OF ARTICLE 6 “ZONING DISTRICTS” OF APPENDIX A “ZONING” OF THE SAGINAW CITY CODE BY AMENDING DENSITY AND BUILD-TO-ZONE REGULATIONS; 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 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 Council of the City has previously adopted regulations to create an NMU (Neighborhood Mixed Use) zoning district to provide for low-intensity mixed uses compatible with residential land uses, encourage the development of community gathering spaces, and enact regulations related to landscaping, screening, and fencing; and

**WHEREAS**, the City Council now finds it appropriate to amend those regulations; and

**WHEREAS**, the Planning and Zoning Commission of the City held a public hearing on January 10, 2023, and the City Council held a public hearing on January 17, 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.**

Subsection B of Section 6-18 “NMU (Neighborhood Mixed Use)” of Article 6 “Zoning Districts” of Appendix A “Zoning” of the Saginaw City Code is hereby amended by adding a definition for Commercial Frontage Requirement, inserted alphabetically to read as follows:

“1. “Build-to-Zone” shall mean the area on a lot, measured parallel from the front and/or corner side lot line, wherein a structure’s façade must be built within the minimum and maximum ranges of setback provided.

2. “Commercial Frontage Requirement” shall mean the requirement that a minimum of 70 percent of the development frontage along Major Corridors, for a depth of at least 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 constitute an existing or proposed roadway classified and designated on the Master Thoroughfare Plan, other than Local Streets.”

**SECTION 2.**

Subsection D of Section 6-18 “NMU (Neighborhood Mixed Use)” of Article 6 “Zoning Districts” of Appendix A “Zoning” of the Saginaw City Code is hereby amended to read as follows:

“D. *Area requirements.* Development shall comply with the following requirements, as it pertains to this district, and shall conform with the provisions provided in the table below:

<b>Area Requirements</b>	
Minimum Lot Area	N/A
Minimum Lot Width	N/A
Minimum Lot Depth	N/A
Minimum Front Yard Setback	10- to 20-foot build-to-zone <sup>1</sup>
Minimum Side Yard Setback	No interior side setbacks are required in the NMU district, except when NMU-zoned property abuts property zoned or used for single-family residential uses, in which case the minimum side yard setback required for the entire abutting side yard shall be 25 feet to include a Living Compatibility Buffer.

<sup>1</sup> City Council may approve, following submission of a site plan in accordance with section 8-1 governing supplemental district regulations, an adjusted build-to-zone due to existing site obstructions or site-specific issues that make the required build-to-zone impractical or overly burdensome.

Minimum Rear Yard Setback	10 feet, except when NMU-zoned property abuts property zoned for single-family residential, in which case the minimum rear setback required for the entire abutting rear yard shall be 25 feet.
Maximum Density	<p>Residential uses shall be limited to a maximum of 8 dwelling units* per one acre, on each one acre not included within the Commercial Frontage Requirement area as described in subsection 6-18.C., unless or until ground floor commercial uses consistent with the standards and intent of the Commercial Frontage Requirement are constructed and operational.</p> <p>Once the city staff determines that aforementioned ground floor commercial uses are constructed and operational consistent with the Commercial Frontage Requirement, density allocation is permitted to include a maximum of 8 dwelling units* per acre for the entire development and is not limited to any one area of the development. Housing units can be placed above ground floor commercial areas within the commercial frontage requirement area.</p>
Maximum Building Height	36 feet or 2 stories
Minimum Distance Between Residential Structures	15 feet, regardless of building orientation, measured from the dripline of any structure or structurally attached features

*\*Development is eligible to receive an increase in allowable maximum density, up to a maximum 10 dwelling units per one acre, should a minimum of 2,500 square feet of the gross land area be provided as an Activated Amenity as detailed in section 8-18.”*

## SECTION 6.

This ordinance shall be cumulative of all other ordinances of the City of Saginaw 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 7.**

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 8.**

All rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the 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 9.**

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.

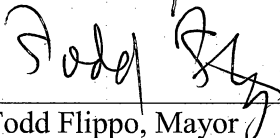
**SECTION 10.**

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.

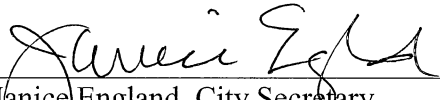
**SECTION 11.**

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 17<sup>th</sup> day of January, 2023.

  
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Todd Flippo, Mayor

ATTEST:

  
Janice England, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Bryn Meredith, City Attorney