

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2020-02**

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, THE ZONING REGULATIONS OF THE CITY OF SAGINAW, TEXAS; AMENDING THE PERMITTED USE TABLE, SECTION 5-1, TO PROVIDE THAT SNOW CONE STANDS, SEASONAL ARE PERMITTED BY RIGHT IN THE COMMUNITY COMMERCIAL ZONING, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL DISTRICTS; AMENDING SECTION 5-2 A(25) AND AMENDING SECTION 12-2, TO ALLOW SNOW CONE STAND, SEASONAL OPERATIONS FROM MARCH 1 TO OCTOBER 31 EACH YEAR; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; 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 regulate and restrict 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 of the City of Saginaw deems it necessary 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, 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 February 14, 2012, and the City Council of the City of Saginaw, Texas held a public hearing on February 21, 2012, with respect to the amendment described herein; and

WHEREAS, the City of Saginaw, Texas 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 adoption of these zoning regulations.

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

SECTION 1.

That Appendix A of the Code of Ordinances, the Comprehensive Zoning Ordinance of the City of Saginaw, Texas, Section 5-1, "Permitted Use Table," is hereby amended by permitting the use "Snow Cone Stand, Seasonal" in the Community Commercial, Light Industrial, and Heavy Industrial zoning district, as follows:

A G	SF 1	SF 2	SF 3	SF 4	SF A	D X	ZL L	M H	MF 1	MF 2	Land use Designation	O P	N C	C C	C F	L I	H I	Supplemental Conditions
COMMERCIAL, RETAIL, AND SERVICES USES																		
											Snow Cone Stand Seasonal			P		P	P	1, 25

SECTION 2.

That Section 5-2 (A)(25). of Appendix A of the Code of Ordinances, the Comprehensive Zoning Ordinance of the City of Saginaw, Texas, "Special conditions for listed uses," is hereby amended to reads as follows:

25. Submit copy of property owner agreement, including restroom usage agreement evidencing a restroom within 500 feet of stand. All items associated with the stand shall be removed at the end of the permitted season. The building housing the use may not exceed one hundred and twenty square feet. Operations may only occur on and between the days of March 1 and October 31 each year.

SECTION 3.

That Part B, "Land Use Definitions and Explanations," of Section 12-2 of Article 12 of the Zoning Regulations of the City, the definition of "Snow Cone Stand, Seasonal," is hereby amended to as follows:

Snow Cone Stand, Seasonal. Any building used for the sale, dispensing, or serving of snow cone refreshments, ice cream, or beverages that does not exceed one hundred and twenty square feet and only operates between on and between the days of March 1 and October 31 each year in allowed zoning districts.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code and Zoning Regulations 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 5.

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 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) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of the Zoning Regulations of the City 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 8.

The City Secretary of the City of Saginaw is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the

operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

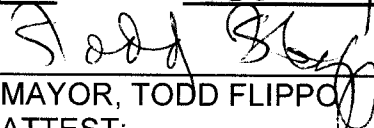
SECTION 9.


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 the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 18th DAY OF February, 2020.


MAYOR, TODD FLIPPO
ATTEST:


CITY SECRETARY, JANICE ENGLAND

EFFECTIVE: 2-28-2020

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY, BRYN MEREDITH

