



City of Saginaw

City of Saginaw

Meeting Date: 6/19/2018

Staff Contact: Rick Trice, P.E.
Director of Public Works

Agenda Item: 6
(CC-0618-10)

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SUBJECT: Public Hearing – Consideration and Action regarding recommendation from Planning and Zoning Commission on proposed amendment to the Code of Ordinances, Appendix A (Zoning Ordinance No. 2002-04) Section 8-12 (D) to provide that the City Council may approve different height requirements for certain screening devices that are currently required to be a minimum height of eight feet (Ordinance No. 2018-08)

BACKGROUND/DISCUSSION:

This item is a public hearing. Currently Section 8-12(D) of the Zoning Ordinance requires screening along thoroughfare and collector roadways to be a minimum of eight feet (8') in height. The proposed ordinance will allow the City Council the flexibility to approve alternative heights on a case by case basis. The recommended language is consistent with other language in the section that provides flexibility in materials and height requirements for screening devices and fences.

The proposed language is as follows:

“1. A screening device is required along the side and/or rear property lines adjacent to any arterial, or applicable collector grade street as determined by the city council, and shall be a minimum height of eight feet, unless otherwise approved by the city council.”

The Planning and Zoning Commission met on June 12, 2018 and unanimously recommended the ordinance amendment for consideration by City Council.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff concurs with the recommendation from the Planning and Zoning Commission that Section 8-12(D) of the Zoning Ordinance be amended as submitted in Ordinance No. 2018-08.

Attachments

Zoning Ordinance amendment

Planning and Zoning Commission draft minutes, 6-12-18

ORDINANCE NO. 2018-08

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS AMENDING THE ZONING REGULATIONS (ORDINANCE NO. 2002-04) OF THE CITY BY AMENDING SECTION 8-12(D) TO PROVIDE THAT THE CITY COUNCIL MAY APPROVE DIFFERENT HEIGHT REQUIREMENTS FOR CERTAIN SCREENING DEVICES THAT ARE CURRENTLY REQUIRED TO BE A MINIMUM HEIGHT OF EIGHT FEET; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 of Saginaw, Texas 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 Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on June 12, 2018, and the City Council of the City of Saginaw, Texas held a public hearing on June 19, 2018, 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 Section 1-3 of the Zoning Regulations, and all other laws dealing with notice, publication, and procedural requirements for adoption of the amendment proposed herein.

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

SECTION 1.

Article 8, Section 8-12 (D), "Screening along arterial and collector thoroughfares," of the Zoning Regulations of the City of Saginaw is hereby amended by revising subsection 1 to read as follows:

- “1. A screening device is required along the side and/or rear property lines adjacent to any arterial, or applicable collector grade street as determined by the city council, and shall be a minimum height of eight feet, unless otherwise approved by the city council.”

SECTION 2.

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 3

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 4

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions 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 5.

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 guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00, as provided by Sec. 1-13 of the Saginaw City Code. Each day a violation continues shall be deemed a separate offense.

SECTION 6.

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 7.

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 19TH DAY OF JUNE, 2018.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY

DRAFT

**(6) PZ 0618-01 PUBLIC HEARING
Consideration and Action Regarding an Amendment to the Zoning Ordinance (No. 2004-04) Section 8-12 (D) to Provide that the City Council May Approve Different Height Requirements for Certain Screening Devices that are Currently Required to be a Minimum Height of Eight Feet.**

Member Haney read the request and opened the Public Hearing at 6:03 p.m.

Director of Public Works Trice reviewed the information in the members' packets. He advised that a correction needed to be made to the proposed ordinance that was included in the packets. He said in Section 1, the word "collected" needs to be changed to "collector" grade street...

Member Haney closed the Public Hearing at 6:06 p.m.

A motion was made by Member LaBruyere with a second by Member Barngrover to recommend that the city council approve the amendment to the Zoning Ordinance, Section 8-12 (D) to provide that the City Council may approve different height requirements for certain screening devices that are currently required to be a minimum of height of eight feet with the correction as noted. Motion carried

For: Members Haney, Barngrover, Julien, LaBruyere, Alternate Member Peet

Against: None

Absent Chairman Lewis