

**CITY OF SAGINAW, TEXAS**  
**ORDINANCE NO. 2021-13**

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS; AMENDING THE PERMITTED USE TABLE, SECTION 5-1, TO PROVIDE THAT BREWERIES ARE PERMITTED BY SPECIAL USE PERMIT IN COMMUNITY COMMERCIAL ZONING, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL DISTRICTS; AMENDING SECTION 12-2, TO PROVIDE A DEFINITION FOR BREWERY; 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 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 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 May 11, 2021, and the City Council of the City of Saginaw, Texas held a public hearing on May 18, 2021, 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, Section 5-1, "Permitted Use Table," of Article 5 "Permitted Uses" of Appendix A "Zoning" of the Saginaw City Code is hereby amended by permitting the use "Brewery" by Special Use Permit 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	M F 1	MF 2	Land use Designation	O P	N C	C C	C F	L I	H I	Supplemental Conditions
<b>COMMERCIAL, RETAIL, AND SERVICES USES</b>																		
											Brewery			S		S	S	1

**SECTION 2.**

That Part B, "Land Use Definitions and Explanations," of Section 12-2 "Definitions" of Article 12 "Definitions" of the Appendix A "Zoning" of the Saginaw City Code, is amended to add the definition of "Brewery" to read as follows:

*"Brewery.* An establishment that meets the definition for a Brewery in the Texas Alcoholic Beverage Code. A Brewery may include a tasting room to dispense beer for on-premise consumption; meeting/banquet facilities; restaurants and retail sales area of beer for off-premise consumption."

**SECTION 3.**

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 4.**

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 of 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 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 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 6.**

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04, as amended, 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 7.**

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.

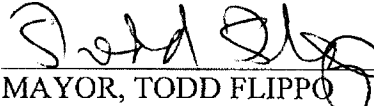
**SECTION 8.**


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 9.**

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 the 18<sup>th</sup> day of May, 2021.

  
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MAYOR, TODD FLIPPO  
ATTEST:

  
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CITY SECRETARY, JANICE ENGLAND

EFFECTIVE: 6-1-2021

APPROVED AS TO FORM AND LEGALITY:

  
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CITY ATTORNEY, BRYN MEREDITH

