

ORDINANCE NO. 2023-08

AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO APPROXIMATELY 5.25 ACRES OF LAND OF THE JUAN ARMENDARIS SURVEY, ABSTRACT 59 TRACTS 2A & 2D & ALEXANDER F. ALBRIGHT SURVEY, A1849 TRACT 2B4, AND JUAN ARMENDARIS SURVEY, ABSTRACT 59 TRACT 2E, MORE COMMONLY KNOWN AS 320 AND 304 W. MCLEROY BOULEVARD; CHANGING THE ZONING CLASSIFICATION ON SAID PROPERTY FROM SINGLE-FAMILY (SF2) TO COMMUNITY FACILITY (CF); REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas ("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 Ordinance 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 a Comprehensive Land Use Plan as the primary document on which to base all zoning, platting, and other land use decisions; and

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

WHEREAS, in accordance with Section 1-3 of the Zoning Regulations of the City, the Planning and Zoning Commission, at the request of the City Council, has initiated consideration of a change in zoning classification from Single-Family (SF2) to Community Facility (CF) for the property described as approximately 5.25 acres of land in the Juan Armendaris Survey, Abstract 59 Tracts 2A & 2D & Alexander F. Albright Survey, A1849 Tract 2B4, and the Juan Armendaris Survey, Abstract 59 Tract 2E, more commonly known as 320 and 304 W. McLeroy Boulevard, as more fully described on the attached Exhibit "A"; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on February 14, 2023, and the City Council of the City held a public hearing on February 21, 2023, with respect to the zoning changes and amended land use designation described herein; and

WHEREAS, upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission, and of all testimony and information submitted during the public hearings, the City Council of the City of Saginaw, Texas, has determined that it is in the best interest of its citizens that the Comprehensive Land Use Plan be amended to change the land use designation of the property from W. McLeroy Boulevard Corridor to Institutional;

WHEREAS, the City Council has determined that an amendment to the Zoning Map, as provided herein, rezoning the property described on Exhibit A hereto, from the Single Family (SF2) to the Community Facility (CF) zoning district, is appropriate and is in accordance with the growth goals, objectives, and planning principles set forth in the Comprehensive Land Use Plan;

WHEREAS, the City has complied with all requirements of Chapters 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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 zoning classification of the property and area described below from W. McLeroy Boulevard Corridor to Institutional:

Juan Armendaris Survey, Abstract 59 Tracts 2A & 2D & Alexander F. Albright Survey, A1849 Tract 2B4, and the Juan Armendaris Survey, Abstract 59 Tract 2E, as more fully described in Exhibit "A" attached hereto and incorporated herein.

SECTION 2.

The Saginaw, Texas, Zoning Ordinance No. 2002-04, as amended, is hereby amended by changing the Zoning Map to change the zoning classification of the property and area described below from Single Family (SF2) to Community Facility (CF):

Juan Armendaris Survey, Abstract 59 Tracts 2A & 2D & Alexander F. Albright Survey, A1849 Tract 2B4, and the Juan Armendaris Survey, Abstract 59 Tract 2E, more commonly known as 320 and 304 W. McLeroy Boulevard and more fully described in Exhibit "A" attached hereto

and incorporated herein.

SECTION 3.

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 4.

The official Zoning Map of the City of Saginaw is hereby amended in accordance with the foregoing, and the City Secretary is hereby directed to revise the Zoning Map to reflect zoning classifications as set forth above.

SECTION 5.

The use of the property described above shall be subject to all of the applicable regulations contained in the Zoning Ordinance, and all other applicable and pertinent ordinances of the City of Saginaw.

SECTION 6.

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 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 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 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 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 9.

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, or 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 10.

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

SECTION 11.

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 21st DAY OF FEBRUARY, 2023.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY

EXHIBIT "A"

"Zoning Change from SF2 to CF"

BEING 5.258 acres of land, situated in the J. Armendaris Survey, Abstract No. 59, and the A. Albright Survey, Abstract No. 1849, City of Saginaw, Tarrant County, Texas, and being all of that certain tract of land described in the deed as Tracts 1 and 2, to the City of Saginaw, as filed in Instrument #D219297922, Deed Records of Tarrant County, Texas (D.R.T.C.T.), and being more particularly described by metes and bounds as follows:

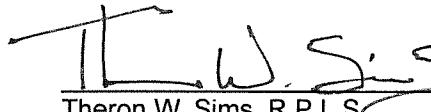
BEGINNING at a 1/2 inch iron rod found at the northwest corner of Lot 13, Block 2, Worthy Addition, an addition to the City of Saginaw, Tarrant County, Texas, as filed in Volume 388-11, Page 100, Plat Records of Tarrant County, Texas (P.R.T.C.T.), also being the southeast corner of Lot 7, and the southwest corner of Lot 8, of Block 5, Worthy Addition, an addition to the City of Saginaw, Tarrant County, Texas, as filed in Volume 388-11, Page 136, P.R.T.C.T., and also being the northeast corner of said City of Saginaw, Tract 2;

THENCE S 09°49'45" E, along the east line of said City of Saginaw, Tract 2, and along the west line of said Lot 13, also passing along the west Right-of-Way (R-O-W) line of Katy Lane (50' in width), and passing along the west line of Lots 1 and 2, Block 4, of said Worthy Addition (Vol. 388-11, Pg. 100), a distance of 536.13 feet to a 1/2 inch iron rod found at the southeast corner of said City of Saginaw, Tract 2, also being the southwest corner of said Lot 1, Block 4, Worthy Addition (Vol. 388-11, Pg. 100), and also being in the north R-O-W line of W. McLeroy Boulevard (variable width);

THENCE S 71°05'41" W, along the south line of said City of Saginaw, Tract 1 and Tract 2, and along the north R-O-W line of said W. McLeroy Boulevard, a distance of 454.10 feet to a 1/2 inch iron pipe found with cap at the southwest corner of said City of Saginaw, Tract 1, also being the southeast corner of Lot 1, of Block 1, Sessions Addition, an addition to the City of Saginaw, Tarrant County, Texas, as filed in Volume 388-F, Page 445, P.R.T.C.T.;

THENCE N 01°02'29" W, along the west line of said City of Saginaw, Tract 1, and along the east line of said Lot 1 and Lots 3 thru 8, of said Block 1, Sessions Addition, a distance of 621.31 feet to a 1/2 inch iron rod found at the northwest corner of said City of Saginaw, Tract 1, also being the northeast corner of said Lot 8, Block 1, Sessions Addition, and also being in the south line of Lot 2, of said Block 5, Worthy Addition (Vol. 388-11, Pg. 136);

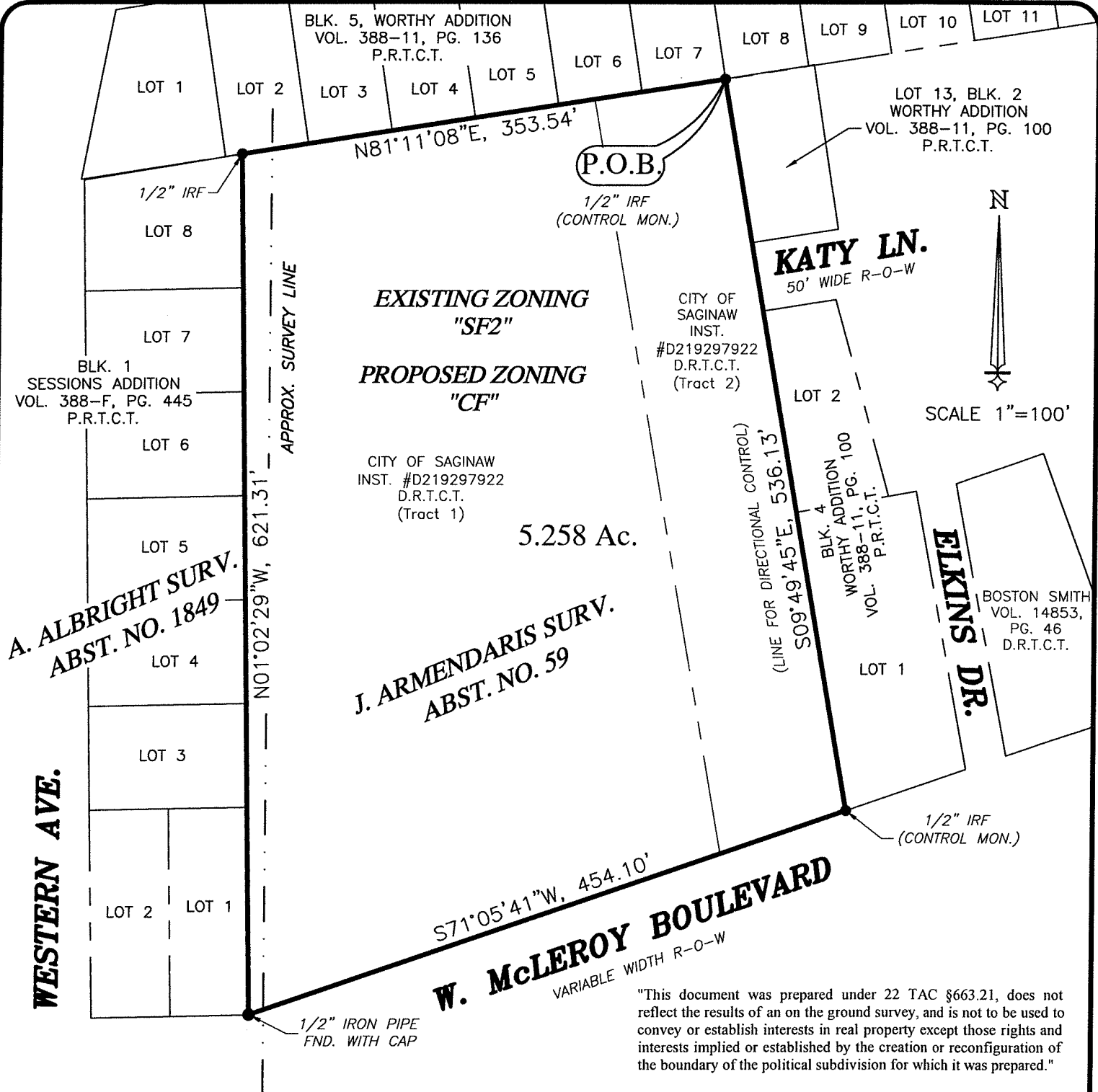
THENCE N 81°11'08" E, along the north line of said City of Saginaw, Tract 1, and Tract 2, and along the south line of said Lot 2, and Lots 3 thru said Lot 7, of said Block 5, Worthy Addition (Vol. 388-11, Pg. 136), a distance of 353.54 feet to the **POINT OF BEGINNING** and containing 5.258 acres of land.


November 28, 2022
Theron W. Sims, R.P.L.S.
Texas Registration No. 5887



Surveyed on the ground in the month of November, 2021

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



ZONING EXHIBIT **Change From "SF2" to "CF"** **5.258 ACRES OF LAND**

Situated in the J. Armendaris Survey, Abstract No. 59, and the A. Albright Survey, Abstract No. 1849, City of Saginaw, Tarrant County, Texas.



teague nall & perkins

5237 N. Riverside Drive, Suite 100

Fort Worth, Texas 76137

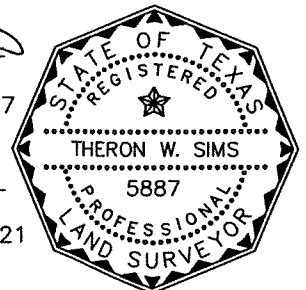
817.336.5773 ph 817.332.7756 fx

www.tnpinc.com / TBPELS Registration No. 100116-00

Theron W. Sims, R.P.L.S.
 TEXAS REGISTRATION NO: 5887

Date: Nov. 28, 2022

Surveyed on the ground in
 the month of November, 2021



JOB No. GPA 21442

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