

## ORDINANCE NO. 2023-16

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING CLASSIFICATION APPROXIMATE 12.8458 ACRES OUT OF THE BURSEY, JOHN SURVEY ABSTRACT 122 TRACT 2A1 & 6A1 & PART CL STREET ALSO KNOWN AS 2301 TERMINAL ROAD FROM COMMUNITY COMMERCIAL (CC) TO HEAVY INDUSTRIAL (HI); AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE BY AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO SAID PROPERTY 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 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 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 for the following property described as: the Bursey, John Survey Abstract 122 Tract 2a1 & 6a1 & Part CI street also known as 2301 Terminal Road (Exhibit "A") Tarrant County, Texas, located in the City of Saginaw, Texas, Community Commercial (CC) To Heavy Industrial (HI).

**WHEREAS**, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on May 9, 2023 and the City Council of the City of Saginaw, Texas held a public hearing on May 16, 2023 with respect to the zoning changes and amended land use designation described herein; and

**WHEREAS**, the City Council has further determined that the requested rezoning of the below described property is in the best interest of the citizens of Saginaw and is necessary to correct a manifest error in the regulations or map, to recognize changed conditions or circumstances in a particular locality, or to recognize changes in technology, the style of living, or manner of doing business; and

**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, Zoning Ordinance No. 2002-04, as amended, is hereby

amended by changing the Zoning Map to redesignate the hereinafter described property and area as follows:

Bursey, John Survey Abstract 122 Tract 2a1 & 6a1 & Part Cl Street, also known as 2301 Terminal Road as depicted on Exhibit "A" attached hereto and incorporated herein from Community Commercial (CC) To Heavy Industrial (HI).

## **SECTION 2**

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 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 and the City Secretary is hereafter directed to revise the zoning map to reflect zoning classifications as set forth above.

## **SECTION 5**

The City Secretary is directed to revise the Future Land Use Map to reflect the revised land use designations as set forth above

## **SECTION 6**

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

ordinances of the City of Saginaw.

## **SECTION 7**

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 8**

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 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

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the City Council of the City of Saginaw shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Saginaw City Code. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

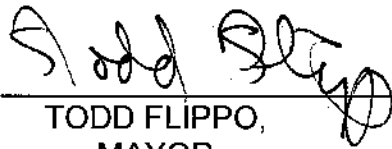
## SECTION 11

The City Secretary of the City of Saginaw is hereby directed to publish 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 Texas Local Government Code.

## SECTION 12

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 16<sup>TH</sup> DAY OF MAY, 2023**

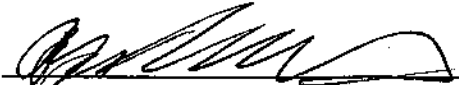
  
TODD FLIPPO,  
MAYOR

ATTEST:

  
JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: 5-25-2023

APPROVED AS TO FORM AND LEGALITY:

  
BRYN MEREDITH, CITY ATTORNEY

## EXHIBIT A

### **TRACT I:**

An irregular tract of land out of the Northwest Quarter (NW/4) of the John Bursey Survey, Abstract No. 122, in Tarrant County, Texas, described as follows:

BEGINNING at a point in the Southerly right of way line of the FW&DC RY. Company's Sinclair Refining Company spur, said point being South 00 deg. 02-1/2 min. East, 345.0 feet from the Northwest corner of said survey measured along its West line, and South 89 deg. 59 – 1/2 min. East, 58.3 feet, measured along said right of way line;

THENCE Easterly and Southerly along a curve to the right having a radius of 573.69 feet, a distance of 532.6 feet to its point of tangency;

THENCE continuing along said tangent South 36 deg. 45-1/2 min East, 386.5 feet to Railway Company's West right of way in said Bursey Survey;

THENCE North 00 deg. 08 min. West along the West line of said railway right of way 140.5 feet to the Northeast corner of this tract;

THENCE along the Railway Company's right of way to the left, the following bearings and distances;

North 31 deg. 30 min. West, 100.0 feet;

THENCE North 38 deg. 30 min. West, 100.0 feet;

THENCE North 46 deg. 00 min. West, 100.0 feet;

THENCE North 54 deg. 00 min. West, 100.0 feet;

THENCE North 64 deg. 30 min. West, 100.0 feet;

THENCE North 70 deg. 00 min. West, 100.0 feet;

THENCE North 77 deg. 00 min. West 100.0 feet;

THENCE North 86 deg. 00 min. West, 100.0 feet;

THENCE North 89 deg. 15 min. West, 40.7 feet, to the

POINT OF BEGINNING.

This tract of land contains an area of 1.06 acres of land more or less.

**TRACT II:**

A tract of land out of the John Bursey Survey Abstract No. 122, in Tarrant County, Texas, being more particularly described as follows:

BEGINNING at a spike in the paving in the East line of said John Bursey Survey 2321.4 feet North of the Southeast corner of said survey;

THENCE North 55 deg. 00 min. west, 630.7 feet;

THENCE North 89 deg. 30 min. West, along the North line of the Terminal Addition to said John Bursey Survey, 246.6 feet;

THENCE North 36 deg. 45-1/2 min. West, parallel to and 670 feet Southwesterly from EW&DC RY. Co. main track centerline as now located, measured at right angles thereto, a distance of 1320 feet;

THENCE at right angles to the right, North 53 deg. 14-1/2 min. East, 240 feet;

THENCE at right angles to the left, North 36 deg. 45-1/2 min. West, parallel to and 430 feet Southwesterly from said main tract centerline, a distance of 760 feet;

THENCE North 00 deg. 08 min. west, 100.6 feet;

THENCE South 36 deg. 45-1/2 min. East, parallel to and 370 feet Southwesterly from said main tract centerline, a distance of 2279.3 feet;

THENCE south 45 deg 52-3/4 min. East 239.3 feet;

THENCE South 55 deg: 00 min. East, 341.2 feet to East line of said survey;

THENCE South along said East line of John Bursey Survey, 85.4 feet to the point of beginning.

This tract of land contains an area of 11.92 acres, more or less.

**SAVE AND EXCEPT** that tract of land conveyed to the City of Fort Worth, by deed recorded in Volume 11711, Page 459, Deed Records of Tarrant County, Texas.