

## ORDINANCE NO. 2023-25

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SAGINAW, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.436 ACRES OUT OF THE WORTHY ADDITION, LOT 1, BLOCK 4, TARRANT COUNTY, TEXAS, MORE COMMONLY KNOWN AS 300 W. MCLEROY BOULEVARD, FROM NEIGHBORHOOD COMMERCIAL (NC) TO COMMUNITY FACILITIES (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**, 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 Neighborhood Commercial (NC) to Community Facilities (CF) for the property described as approximately 0.436 acres out of the Worthy Addition, Lot 1, Block 4, Tarrant County, Texas, more commonly known as 300 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 September 12, 2023, and the City Council of the City held a public hearing on September 19, 2023, with respect to the zoning change described herein; and

**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 Neighborhood Commercial (NC) to Community Facilities (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 Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property.

**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 change the zoning classification of the property and area described below from Neighborhood Commercial (NC) to Community Facilities (CF):

Lot 1, Block 4, of the Worthy Addition, Tarrant County, Texas, more commonly known as 300 W. McLeroy Boulevard, as more fully described on the attached Exhibit "A."

**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 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 4.**

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 5.**

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 6.**

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 7.**

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 8.**

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.

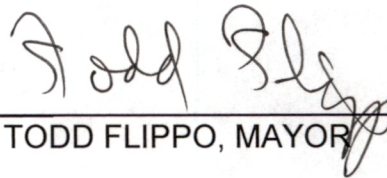
#### **SECTION 9.**

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.

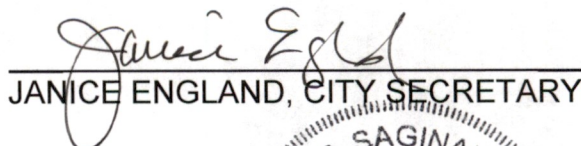
#### **SECTION 10.**

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 19<sup>TH</sup> DAY OF SEPTEMBER, 2023.**

  
\_\_\_\_\_  
TODD FLIPPO, MAYOR

ATTEST:

  
\_\_\_\_\_  
JANICE ENGLAND, CITY SECRETARY

EFFECTIVE: 10-13-2023



APPROVED AS TO FORM AND LEGALITY:

  
BRYN MEREDITH, CITY ATTORNEY

## **EXHIBIT "A"**

### **"Zoning Change from NC to CF"**

**BEING** 0.436 of an acre of land, situated in the J. Armendaris Survey, Abstract No. 59, City of Saginaw, Tarrant County, Texas, and being all of Lot 1, Block 4, 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 all of that certain tract of land described in the deed to The City of Saginaw, as filed in Instrument #D222286597, Deed Records of Tarrant County, Texas (D.R.T.C.T.), and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod found at the northwest corner of Lot 13, Block 2, of said Worthy Addition (Vol. 388-11, Pg. 100), 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 a tract of land described in the deed as Tract 1, in the deed to the City of Saginaw, as filed in Instrument #D219297922, D.R.T.C.T.;

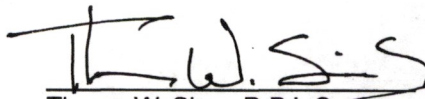
**THENCE** S 09°49'45" E, along the east line of said City of Saginaw, Tract 2, and along the west line of said Lot 13, also passing along the west Right-of-Way (R-O-W) line of Kay Lane (50' in width), and continuing along the west line of Lot 2, of said Worthy Addition (Vol. 388-11, Pg. 100), a distance of 317.13 feet to the southwest corner of said Lot 2, also being the northwest corner of said Lot 1 and the **POINT OF BEGINNING** of the hereinafter described tract of land;

**THENCE** N 80°10'15" E, along the south line of said Lot 2, and along the north line of said Lot 1, also passing along the westerly R-O-W line of Elkins Drive (variable width), a distance of 87.80 feet to the northeast corner of said Lot 1, also being in the west R-O-W line of said Elkins Drive;

**THENCE** S 10°52'49" E, along the east line of said Lot 1, and along the west R-O-W line of said Elkins Drive, a distance of 204.41 feet to the southeast corner of said Lot 1, also being the intersection of the west R-O-W of said Elkins Drive, with the north R-O-W line of W. McLeroy Boulevard (variable width);

**THENCE** S 71°05'41" W, along the south line of said Lot 1, and along the north R-O-W line of said W. McLeroy Boulevard, a distance of 92.71 feet to a 1/2 inch iron rod found at the southwest corner of said Lot 1, also being the southeast corner of said Tract 2;

**THENCE** N 09°49'45" W, along the west line of said Lot 1, and along the east line of said Tract 2, a distance of 219.00 feet to the **POINT OF BEGINNING** and containing 0.436 of an acre of land.

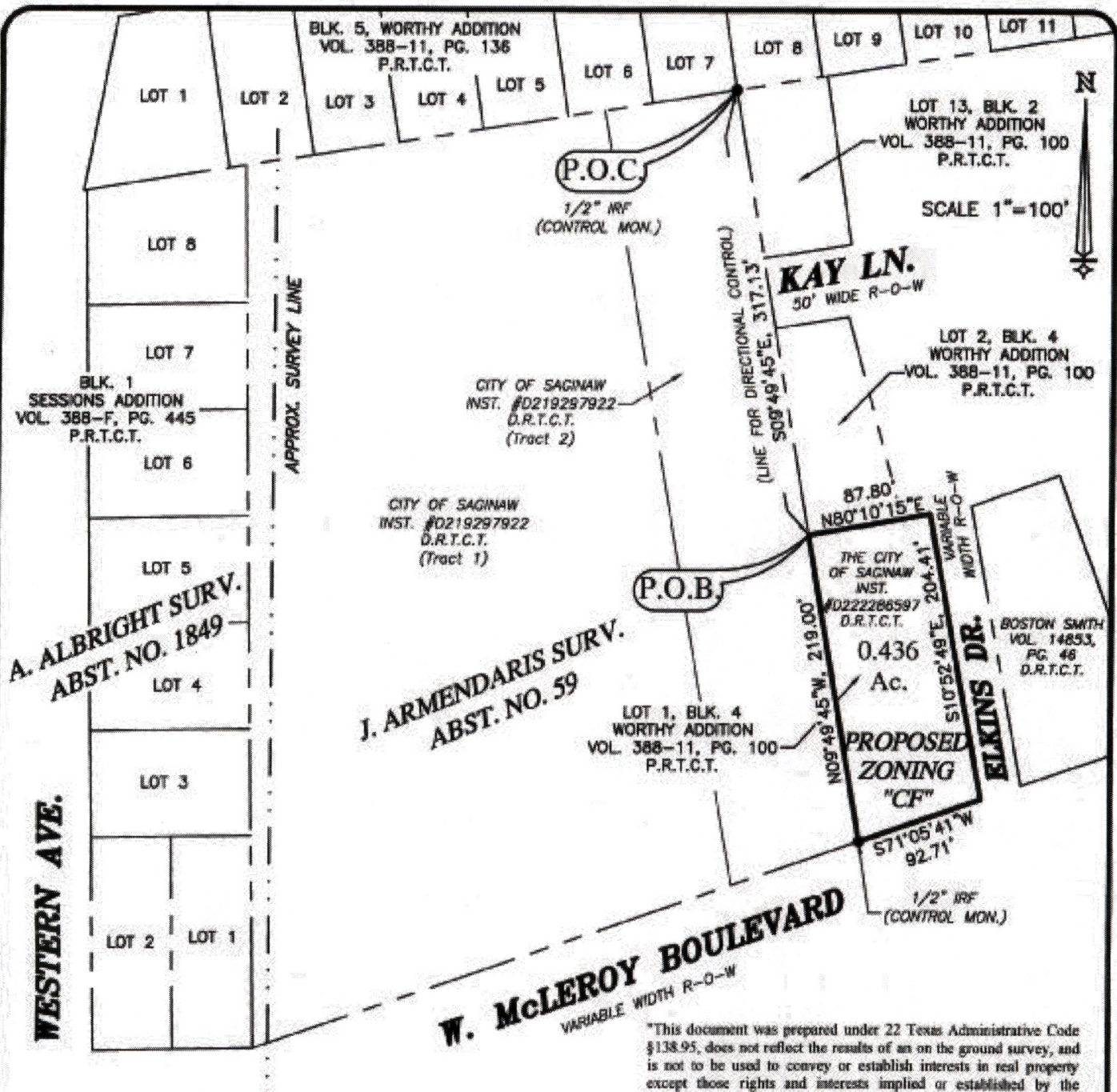
  
Theron W. Sims, R.P.L.S.  
Texas Registration No. 5887

August 25, 2023



Surveyed on the ground in the month of November, 2021

"This document was prepared under 22 Texas Administrative Code §138.95, 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 "NC" to "CF"**  
**0.436 ACRES OF LAND**

Situated in the J. Armendaris Survey, Abstract No. 59, City of Saginaw, Tarrant County, Texas, and being all of Lot 1, Block 4, 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

"This document was prepared under 22 Texas Administrative Code §138.95, 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."

*T. W. Sims*  
THERON W. SIMS, R.P.L.S.  
TEXAS REGISTRATION NO. 5887

Date: August 25, 2023  
Surveyed on the ground in the month of November, 2021



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