

**ORDINANCE NO. 2019-24**

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-04, AS AMENDED, THE ZONING REGULATIONS OF THE CITY OF SAGINAW, TEXAS, BY APPROVING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A MINI WAREHOUSE FACILITY ON APPROXIMATELY 4.65 ACRES OF LAND OUT OF LOT 2R4, BLOCK A OF THE VAN ZANDT PLACE ADDITION LOCATED NORTH OF THE 700 BLOCK OF WEST BAILEY BOSWELL ROAD (BEHIND E.E.C.U. AND THE E.R.) IN SAGINAW; 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 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 Regulations 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 Sections 1-3 and 5-4 of the Zoning Regulations of the City, the owner of Lot 2R4, Block A, Van Zandt Place Addition in Saginaw, Tarrant County, Texas, has filed an application for a Specific Use Permit to allow the operation of mini warehouse facility and

**WHEREAS**, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on October 8, 2019, and the City Council of the City of Saginaw,

Texas, held a public hearing on November 5, 2019, with respect to the Specific Use Permit described herein; and

**WHEREAS**, the City Council has determined that the requested Specific Use is compatible with adjacent property use and consistent with the character of the neighborhood; and

**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.**

Ordinance No. 2002-04, as amended, is hereby amended to permit the following specific use on the hereinafter described property and area as shown below::

An approximately 4.56 acres out of Lot 2R4, Block A, Van Zandt Addition, Saginaw, Tarrant County, Texas.

A Specific Use Permit to allow the operation of a mini warehouse facility, as more fully described in Exhibit "A" and by the site plan shown in Exhibit "B" attached hereto and incorporated herein.

#### **SECTION 2.**

The Specific Use Permit as herein established has been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community.

#### **SECTION 3.**

The official map of the City of Saginaw is amended and the City Secretary is directed to revise the official zoning map to reflect the approved Specific Use Permit as set forth above.

#### **SECTION 4.**

The use of the property described above shall be subject to all applicable regulations contained in the Zoning Regulations 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). 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.

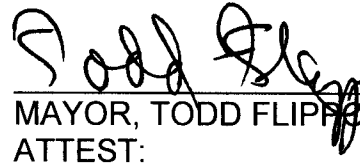
**SECTION 9.**

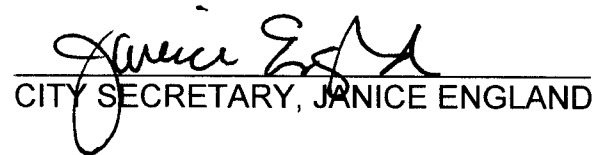
The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

**SECTION 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 5<sup>th</sup> DAY OF NOVEMBER 2019.**

  
MAYOR, TODD FLIPPO  
ATTEST:

  
CITY SECRETARY, JANICE ENGLAND

EFFECTIVE: 11-22-2019

APPROVED AS TO FORM AND LEGALITY:

  
CITY ATTORNEY, BRYN MEREDITH

## **EXHIBIT "A"**

### LEGAL DESCRIPTION

BEING a tract of land out of the Heirs of Benjamin Thomas Survey, Abstract No. 1497, situated in the City of Saginaw, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in July of 2019, said tract being a portion of Lot 2R4, Block A, Van Zandt Place, an addition to the City of Saginaw, Texas according to the plat thereof recorded as Document No. D212304343 in the Plat Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch capped steel rod found for the southeast corner of said Lot 2R4;

THENCE South 89 degrees 55 minutes 19 seconds West with the southerly boundary line of said Lot 2R4 a distance of 470.70 feet to a 1/2 inch "MILLER 5665" capped steel rod set;

THENCE North 00 degrees 04 minutes 41 seconds West a distance of 430.29 feet to a 1/2 inch "MILLER 5665" capped steel rod set in the northerly boundary line of said Lot 2R4 from which a 1/2 inch capped steel rod found for the northwest corner thereof bears WEST at 362.72 feet, said found rod being in the easterly right-of-way line of Old Decatur Road;

THENCE EAST with the northerly boundary line of said Lot 2R4 a distance of 470.62 feet to a 1/2 inch capped steel rod found for the northeast corner thereof;

THENCE South 00 degrees 05 minutes 20 seconds East with the easterly boundary line of said Lot 2R4 a distance of 429.65 feet to the point of beginning and containing 4.6458 acres of land, more or less.

