



**SEAGOVILLE CITY COUNCIL
MEETING AGENDA
MONDAY, DECEMBER 19, 2016**

**City Council Chambers, City Hall
702 N. Hwy 175
Seagoville, Texas 75159**

WORK SESSION – 6:30 P.M.

AGENDA

1. Staff updates
2. Discussion of agenda item(s)
3. Employee Recognition
4. Adjourn

REGULAR SESSION – 7:00 P.M.

AGENDA

Invocation
Pledge of Allegiance
Mayor's Report
Recognition of Visitors / Proclamations / Presentations
Citizens Public Comment Period

[Each speaker will be allowed six (6) minutes to address the council on any item on the agenda except for Public Hearing items]

CONSENT AGENDA

- 1C. Consider approving City Council meeting minutes for December 5, 2016.
- 2C. Consider approving a Resolution authorizing the County of Dallas to resell tax foreclosed properties located at 318 Lakey Road, 320 Lakey Road and 322 Lakey Road, Seagoville, Texas, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.

REPORTS/RECOMMENDATIONS/REQUESTS

3. Conduct a public hearing, discuss and consider amending the Seagoville Zoning Ordinance, by amending the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, "Zoning Ordinance", amending the following Sections to increase the minimum square footage requirements: Division 4 (R-1 Single Family Dwelling District Regulations), Section 25.02.063(i); Division 5 (R-2 Single Family Dwelling District Regulations), Section 25.02.083(i); Division 6 (R-3 Single Family Dwelling District Regulations), Section 25.02.103(i); Division 7 (R-4 Single Family Dwelling District Regulations), Section 25.02.123(i); Division 8 (R-5 Single Family Dwelling District Regulations), Section 25.02.153(i); Division 10 (D Duplex Dwelling District Regulations), Section 25.02.193(h); Division 11 (TH Townhouse District Regulations), Section 25.02.222(a); Division 12 (A Apartment Dwelling District Regulations), Section 25.02.253(i); and adopting a new Subsection in Division 24 (AG Agricultural District Regulations), under Section 25.02.583, to provide minimum square footage for dwellings located in Agricultural Districts; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and providing an effective date. (Barr)

4. Discuss and consider an Ordinance amending the Code of Ordinances by amending Chapter 23, Subdivisions, Article 23.04, Public Sites and Open Places, Section 23.04.004, "Park Land and Public Facility Dedication", to provide that development of all park land must comply with Article 19.10 and 23.03 of the Seagoville Code of Ordinances; by increasing the Park Development Fee to \$500 per dwelling unit; providing that the requirement for dedication of park land applies to developments of at least two hundred and fifty (250) dwelling units; and repealing the provisions providing for cash-in-lieu of land; providing a severability clause; providing a savings clause; and providing an effective date. (Barr)

5. Discuss and consider an Ordinance amending Chapter 9, Fire Prevention and Protection, Article 9.04, "Fireworks", of the Code of Ordinances by amending Subsection 9.04.001 (a) to prohibit the possession, use or discharge of fireworks within the city; amending Subsection 9.04.001 (b) to provide an exception for the sale of fireworks on property zoned as Planned Development with Light Manufacturing uses; and adopting a new Subsection 9.04.001 (c) to provide an affirmative defense to the possession of fireworks for transporting fireworks in a motor vehicle; providing for a penalty of

violation; providing for repealing, savings and severability clauses; providing for an effective date; and providing for the publication of the caption hereof (Barr)

6. Receive Councilmember Reports – Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

7. Receive Citizen Comments – Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.

8. Receive Future Agenda Items – Items to be placed on a future agenda which no action or discussion will be taken at this meeting.

9. Adjourn

Posted Thursday, December 15, 2016 by 5:00 P.M.


Christie Wilson, Interim City Secretary

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

The City of Seagoville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

DATES TO REMEMBER

- Monday, December 26, 2016, City offices closed in observance of Christmas Day.
- Monday, January 2, 2017, City offices closed in observance of New Year's Day.
- **Monday, January 9, 2017 @ 7:00 p.m., Regular City Council meeting.**
- Monday, January 16, 2017, City offices closed in observance of MLK Day.

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR'S REPORT

***VISITOR RECOGNITIONS /
PROCLAMATIONS / PRESENTATIONS –***

Proclamation – Clarence Gilbert Massey

Police Department presentation (James Sudduth)



Proclamation

WHEREAS, on behalf of the City of Seagoville, I wish to record our deep sorrow over the passing of Mr. Clarence Gilbert Massey on November 13, 2016; and

WHEREAS, Mr. Massey was a beloved father, grandfather, great-grandfather and friend of the community; and

WHEREAS, Mr. Massey was born in Lawrence, Texas on April 1, 1924; and

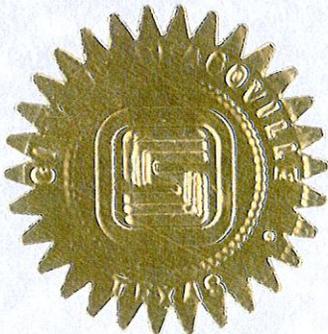
WHEREAS, Mr. Massey was survived by his wife Joyce Massey, three daughters, Sheila, Brenda and Gilda, 9 grandchildren, 22 great-grandchildren and many other family members and friends; and

WHEREAS, Mr. Massey was a highly decorated war veteran serving in the US Army 43-46, 188th Glider Infantry that became the 81st Bomber where he was a light machine gunner; and

WHEREAS, Mr. Massey received 3 bronze medals and 1 bronze arrowhead personally from that campaign and a bronze star and ribbon from the Philippine Liberation along with good conduct medal and overseas bars; and

WHEREAS, Mr. Massey was a longtime employee of Texas Instruments and enjoyed making all sorts of wood crafts and selling them;

NOW, THEREFORE, I, Dennis K. Childress, Mayor of the City of Seagoville, on behalf of the entire City Council, wish to express our sincere appreciation to Mr. Clarence Gilbert Massey for his unwavering dedication and service to our country and extend to his family our sincere sympathy upon his passing.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seagoville, Texas to be affixed this 5th day of December, 2016.

A handwritten signature in blue ink, appearing to read "D.K. Childress".

Mayor, The City of Seagoville, Texas

Agenda Item 1C

Approval of minutes.

BACKGROUND OF ISSUE:

Approval of minutes for meetings held on December 5, 2016.

FINANCIAL IMPACT:

N/A

**CITY COUNCIL
WORK SESSION
DECEMBER 5, 2016**

The City Council held a work session on Monday, December 5, 2016 at 6:30 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Jose Hernandez	Mayor Pro Tem
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember
Jon Epps	Councilmember

The following staff members were also present: Library Director Liz Gant, Police Chief Ray Calverley, City Attorney Alexis Allen and City Secretary Dara Crabtree.

ITEM 1. STAFF UPDATES.

Following an inquiry, Councilmember Howard and Magill advised they would be attending the Chamber Employee Appreciation luncheon on Thursday, December 8th.

Following a discussion, the consensus of the City Council was to hold the January regular meeting on Monday, January 9th due to the New Year's Day holiday on Monday, January 2nd and MLK Day on January 16th.

ITEM 2. DISCUSSION OF AGENDA ITEMS.

ITEM 2. Following a City Council inquiry, Police Chief Calverley confirmed there was a State law that prohibits texting in school zones as well as a City ordinance while operating a motor vehicle within the City limits.

ITEM 3. PRESENTATIONS.

- a. Robyn Mota with Republic Services explained the recycle and trash collection holiday schedule.

The work session was adjourned at 6:44 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**CITY COUNCIL
REGULAR MEETING
DECEMBER 5, 2016**

The City Council held a regular meeting on Monday, December 5, 2016 at 7:00 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Jose Hernandez	Mayor Pro Tem
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember
Jon Epps	Councilmember

Councilmember Magill provided the invocation and Mayor Childress led the Pledge of Allegiance.

MAYOR'S REPORT. Mayor Childress wished everyone a safe Christmas and advised the proclamation for Mr. Massey will be moved to December 19th.

[Mayor Childress advised that Items 6 and 7 were being moved and will be considered immediately following Item 2.]

CITIZENS PUBLIC COMMENT PERIOD (items on the agenda). No one spoke.

CONSENT AGENDA.

Councilmember Howard made a motion, seconded by Councilmember Magill, to approve Consent Agenda Item 1C. A vote was cast 5 in favor, 0 against.

ITEM 1C. Approve minutes for meetings held on November 14, 2016.

ITEM 2. Following a discussion, Councilmember Fruin made a motion, seconded by Councilmember Magill, to table considering the use of an Electronic Hand-Held Mobile Communication Device while operating a moving vehicle until following the 2017 Legislative Session to see what happens with proposed legislation for the above mentioned. A vote was cast 5 for, 0 against.

ITEM 6. Recessed into Executive Session at 7:05 p.m. in compliance with Texas Government Code Section 551.074, Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Interim City Secretary. Reconvened into open session at 7:24 p.m.

ITEM 7. No action was taken as a result of the Executive Session in compliance with Texas Government Code Section 551.074, Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Interim City Secretary.

ITEM 3. COUNCILMEMBER REPORTS. No reports.

[Councilmember Fruin left the meeting at 7:25 p.m.]

ITEM 4. CITIZEN COMMENTS.

Phil Greenawalt, Seagoville Chamber of Commerce – remarked what a great year it had been; the Chamber appreciated the City Council attending their recent banquet; he felt this year’s Christmas tree lighting event had the biggest turnout yet; and personally invited the City Council to the upcoming Employee Appreciation Luncheon hosted by the Chamber on December 8th.

J.C. Cannon, 1075 Oak Ridge Drive, Seagoville – commented on a personal matter.

[Mayor Pro Tem Hernandez and Councilmember Magill briefly left the dais briefly then returned.]

ITEM 5. FUTURE AGENDA ITEMS.

Jose Hernandez – inquired as to procedure to suspend Citizen Comment Period prior to a meeting.

ITEM 8. The meeting adjourned at 7:29 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Agenda Item 2C

Approval of a Resolution authorizing the County of Dallas to resell tax foreclosed properties located at 318 Lakey Road, 320 Lakey Road and 322 Lakey Road Seagoville, Texas, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.

BACKGROUND OF ISSUE:

Dallas County is preparing for the resale of certain tax foreclosed properties for which Dallas County is Trustee for the taxing authorities.

Several parcels of land were offered for sale by the Sheriff of Dallas County, Texas, at public auction pursuant to a judgment of the District Court of Dallas County, Texas, for foreclosure of the tax liens securing payment of delinquent property taxes, accrued penalty and interest, and court costs. Those parcels of land which did not receive a sufficient bid as set by law were struck off to the County of Dallas, the City of Seagoville, and Dallas Independent School District, (Taxing Authorities) pursuant to Section 34.01(j) of the Property Tax Code. By this resolution, the County of Dallas, as Trustee for itself and the other Taxing Authorities is authorized to resell these struck off parcels of land, which did not receive a sufficient bid as set by law and to execute quitclaim deeds for said parcels conveying the right, title, and interest acquired or held by the City of Seagoville as a party to the judgment foreclosing tax liens.

FINANCIAL IMPACT:

N/A

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 61-R-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS AUTHORIZING DALLAS COUNTY TO RESELL TAX FORECLOSED PROPERTIES LOCATED AT 318 LAKEY ROAD, 320 LAKEY ROAD AND 322 LAKEY ROAD BY PUBLIC OR PRIVATE SALE, TO THE HIGHEST QUALIFIED PURCHASER, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE

WHEREAS, this matter was briefed to the Seagoville City Council (“City Council”) on December 19, 2016, wherein the City Council agreed to use this form of Resolution to provide the County of Dallas consent to sell specific properties to the highest qualified purchaser by public or private sale; and

WHEREAS, several parcels of land were offered for sale by the Sheriff of Dallas County, Texas, at public auction pursuant to a judgment of the District Court of Dallas County, Texas, for foreclosure of the tax liens securing payment of delinquent property taxes, accrued penalty and interest, and court costs; and

WHEREAS, those parcels of land which did not receive a sufficient bid as set by law were struck off to the County of Dallas, the City of Seagoville and Dallas Independent School District (Taxing Authorities) pursuant to Section 34.01(j) of the Property Tax Code; and

WHEREAS, by this resolution, the County of Dallas, as Trustee for itself and the other Taxing Authorities is authorized to resell these struck off parcels of land, which did not receive a sufficient bid as set by law and to execute quitclaim deeds for said parcels conveying the right, title, and interest acquired or held by the City of Seagoville as a party to the judgment foreclosing tax liens, and

WHEREAS, the City of Seagoville desires to resell said parcel(s) in an expeditious manner pursuant to Section 34.05 of the Property Tax Code.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS; THAT:

Section 1. The City does hereby provide specific authorization to the County of Dallas to act as Trustee to offer for sale by public or private sale the parcels of land shown in Exhibit “A,” attached hereto and made a part hereof and the Seagoville City Council does hereby consent to the sale of said parcels to the highest purchaser, even if the amount tendered is less than the market value of the land specified in the judgment of foreclosure or the total amount of the judgment against the property in compliance with Section 34.05(i) of the Texas Property Tax Code, or for an amount equal to or greater than its current market value as shown by the most recent certified appraisal role, if the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value in compliance with Section 34.05(j) of the Texas Property Tax Code, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

Section 2. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

PASSED and APPROVED this 19th day of December, 2016 by the City of Seagoville City Council, Seagoville, Texas.

APPROVED:

MAYOR

ATTEST:

INTERIM CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

*******ATTACH EXHIBIT "A"*******

EXHIBIT "A"

TAX FORECLOSURE PROPERTIES STRUCK OFF TO THE COUNTY OF DALLAS AS TRUSTEE FOR DALLAS I.S.D. AND CITY OF LANCASTER, WILMER AND SEAGOVILLE

STREET ADDRESS	TAX ACCOUNT #	IMPROVED / UNIMP.	LAND SIZE (APPROX.)	DCAD VALUE	JUDGMENT CAUSE No.	JUDGMENT STRIKE OFF AMOUNT	MARKET VALUE IN JUDGMENT	TAX YEARS INCLUDED IN JUDGMENT (COUNTY, CITY, SCHOOL)	DATE OF SHERIFF'S SALE
318 Lakey Road, Seagoville	50015500000110000	U	10,156 SF	\$9,500	TX-12-30276	\$8,721	\$9,500	County: 2001-2011 City: 2001-2011 DISD: 2001-2011	11/1/2016
320 Lakey Road, Seagoville	50015500000120000	U	10,276 SF	\$9,500	TX-13-30977 w/ 98-30216-T-D	\$9,500	\$9,500	County: 1994-2013 City: 1994-2013 DISD: 1995-2013	11/1/2016
322 Lakey Road, Seagoville	50015500000130000	U	9,911 SF	\$9,500	TX-14-30654	\$7,565.27	\$9,500	County: 2004, 2006-2014 City: 2004, 2006-2014 DISD: 2004, 2006-2014	11/1/2016

12/5/2016 2:11 PM

Agenda Item 3

Conduct a public hearing and discuss and consider amending the Seagoville Zoning Ordinance, by amending the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, "Zoning Ordinance", amending the following Sections to increase the minimum square footage requirements: Division 4 (R-1 Single Family Dwelling District Regulations), Section 25.02.063(i); Division 5 (R-2 Single Family Dwelling District Regulations), Section 25.02.083(i); Division 6 (R-3 Single-Family Dwelling District Regulations), Section 25.02.103(i); Division 7 (R-4 Single-Family Dwelling District Regulations), Section 25.02.123(i); Division 8 (R-5 Single-Family Dwelling District Regulations), Section 25.02.153(i); Division 10 (Duplex Dwelling District Regulations), Section 25.02.193(h); Division 11 (TH Townhouse District Regulations), Section 25.02.222(a); Division 12 (A Apartment Dwelling District Regulations), Section 25.02.253(i); and adopting a new Subsection in Division 24 (AG Agricultural District Regulations), under Section 25.02.583, to provide minimum square footage for dwellings located in Agricultural Districts; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and providing an effective date.

BACKGROUND OF ISSUE:

During the October 17, 2016 work session, Community Development Director Barr discussed proposed amendments to increase the minimum square footage living area in all respective residential zoning districts and adding said requirement for the Agricultural District.

The Planning and Zoning Commission conducted a public hearing on December 13, 2016 on the proposed amendments. No one spoke in favor or opposition of said amendments during the public hearing. The Commission unanimously voted to recommend to the City Council to increase the minimum living area square footage in all residential zoning districts by 200 square feet and providing for a minimum living area square footage of 2,400 square feet in the Agricultural District.

FINANCIAL IMPACT:

N/A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE SEAGOVILLE ZONING ORDINANCE, BY AMENDING THE CITY OF SEAGOVILLE CODE OF ORDINANCE, ZONING ORDINANCE, CHAPTER 25.02, "ZONING ORDINANCE", AMENDING THE FOLLOWING SECTIONS TO INCREASE THE MINIMUM SQUARE FOOTAGE REQUIREMENTS: DIVISION 4 (R-1 SINGLE FAMILY DWELLING DISTRICT REGULATIONS), SECTION 25.02.063(I); DIVISION 5 (R-2 SINGLE FAMILY DWELLING DISTRICT REGULATIONS), SECTION 25.02.083(I); DIVISION 6 (R-3 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS), SECTION 25.02.103(I); DIVISION 7 (R-4 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS), SECTION 25.02.123(I); DIVISION 8 (R-5 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS), SECTION 25.02.153(I); DIVISION 10 (DUPLEX DWELLING DISTRICT REGULATIONS), SECTION 25.02.193(H); DIVISION 11 (TH TOWNHOUSE DISTRICT REGULATIONS), SECTION 25.02.222(A); DIVISION 12 (A APARTMENT DWELLING DISTRICT REGULATIONS), SECTION 25.02.253(I); AND ADOPTING A NEW SUBSECTION IN DIVISION 24 (AG AGRICULTURAL DISTRICT REGULATIONS), UNDER SECTION 25.02.583, TO PROVIDE MINIMUM SQUARE FOOTAGE FOR DWELLINGS LOCATED IN AGRICULTURAL DISTRICTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND PROVIDING AN EFFECTIVE DATE.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THAT:

SECTION 1. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 4, Section 25.02.063(i), to provide that the minimum square footage for a dwelling allowed in R-1 Single Family Dwelling Districts is 2,200 square feet, and to read as follows:

"ARTICLE 25.02 ZONING ORDINANCE

....

Division 4. R-1 Single-Family Dwelling District Regulations

....

Sec. 25.02.063 Area regulations

(a) Front yard. . . .

- (j) Exterior wall materials required. . . .”

SECTION 2. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 5, Section 25.02.083(i), to provide that the minimum square footage for a dwelling allowed in R-2 Single Family Dwelling Districts is 2000 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

....

Division 5. R-2 Single-Family Dwelling District Regulations

....

Sec. 25.02.083 Area regulations

- (a) Front yard. . . .
- (i) Area of dwelling. The minimum living area of the dwelling shall be 2,000 square feet.
- (j) Exterior wall materials required. . . .”

SECTION 3. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 6, Section 25.02.103(i), to provide that the minimum square footage for a dwelling allowed in R-3 Single Family Dwelling Districts is 1,800 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

....

Division 6. R-3 Single-Family Dwelling District Regulations

....

Sec. 25.02.103 Area regulations

- (a) Front yard. . . .
- (i) Area of dwelling. The minimum living area of the dwelling shall be 1,800 square feet.
- (j) Exterior wall materials required. . . .”

SECTION 4. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 7, Section 25.02.123(i), to provide that the minimum square footage for a dwelling allowed in R-4 Single Family Dwelling Districts is 1,700 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

....

Division 7. R-4 Single-Family Dwelling District Regulations

....

Sec. 25.02.123 Area regulations

- (a) Front yard. . . .
- (i) Area of dwelling. The minimum living area of the dwelling shall be 1,700 square feet.
- (j) Exterior wall materials required. . . .”

SECTION 5. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 8, Section 25.02.153(i), to provide that the minimum square footage for a dwelling allowed in R-5 Single Family Dwelling Districts is 1,600 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

....

Division 8. R-5 Single-Family Dwelling District Regulations

....

Sec. 25.02.153 Area regulations

- (a) Front yard. . . .
- (i) Area of dwelling. The minimum living area of the dwelling shall be 1,600 square feet.
- (j) Exterior wall materials required. . . .”

SECTION 6. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 10, Section 25.02.193(h), to provide that the minimum square footage for a dwelling allowed in Duplex Dwelling Districts is 1,000 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

.....

Division 10. Duplex Dwelling District Regulations

.....

Sec. 25.02.193 Area regulations

- (a) Front yard. . . .
- (h) Area of dwelling. The minimum living area of the dwelling shall be 1,000 square feet.
- (i) Coverage. . . .”

SECTION 7. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 11, Section 25.02.224(a), to provide that the minimum square footage for a dwelling allowed in Townhouse Districts is 1,300 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

.....

Division 11. Townhouse District Regulations

.....

Sec. 25.02.222 Building regulations

- (a) Minimum size. The minimum area of the main building constituting a single-family unit shall be 1,300 square feet, exclusive of garages and breezeways.
- (b) Type of Material.”

SECTION 8. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 12, Section 25.02.253(i), to provide that the minimum square footage for a dwelling allowed in Apartment Districts is 850 square feet for a one-bedroom apartment, and 1,000 square feet for a two-bedroom apartment, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

....

Division 12. Apartment District Regulations

....

Sec. 25.02.253 Area regulations

(a) Front yard. . . .

(i) Area of dwelling. Each dwelling unit shall provide for a minimum of 850 [square feet] of living area for a one-bedroom apartment, 1,000 square feet of living area for a two-bedroom apartment and 1,100 square feet of living area for a three-bedroom apartment. . .

(j) Building Materials. . . .”

SECTION 9. The City Council hereby amends the City of Seagoville Code of Ordinance, Zoning Ordinance, Chapter 25.02, by amending Division 24, Section 25.02.583, by adopting a new Section 25.02.583(d) to provide that the minimum square footage for a dwelling allowed in Agricultural Districts is 2,400 square feet, and to read as follows:

“ARTICLE 25.02 ZONING ORDINANCE

....

Division 24. AG Agricultural District Regulations

....

Sec. 25.02.583 Area regulations

(a) Height Regulations. . . .

(d) Area of dwelling. The minimum living area of the dwelling shall be 2,400 square feet.

....”

SECTION 10. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 11. That if any article, paragraph, subdivision, clause or provision of this ordinance be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 12. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 13. This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

DULY APPROVED AND PASSED by the City Council of the City of Seagoville, Texas on the ____ day of _____, 2016.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Zoning Ordinance Amendments

Minimum Living Area Square Footage of Dwellings

- 1) Division 4 (R-1 Single Family Dwelling District Regulations), Section 25.02.063(i), by increasing the minimum living area square footage of dwelling from 2,000 to 2,200.

Section 25.02.063, Area Regulations

- (i) Area of dwelling. The minimum living area of the dwelling shall be ~~2,000~~ **2,200** square feet.

- 2) Division 5 (R-2 Single Family Dwelling District Regulations), Section 25.02.083(i), by increasing the minimum living area square footage of dwelling from 1,800 to 2,000.

Section 25.02.083, Area Regulations

- (i) Area of dwelling. The minimum living area of the dwelling shall be ~~1,800~~ **2,000** square feet.

- 3) Division 6 (R-3 Single-Family Dwelling District Regulations), Section 25.02.103(i), by increasing the minimum living area square footage of dwelling from 1,600 to 1,800.

Section 25.02.103, Area Regulations

- (i) Area of dwelling. The minimum living area of the dwelling shall be ~~1,600~~ **1,800** square feet.

- 4) Division 7 (R-4 Single-Family Dwelling District Regulations), Section 25.02.123(i), by increasing the minimum living area square footage of dwelling from 1,500 to 1,700.

Section 25.02.123, Area Regulations

- (i) Area of dwelling. The minimum living area of the dwelling shall be ~~1,500~~ **1,700** square feet.

- 5) Division 8 (R-5 Single-Family Dwelling District Regulations), Section 25.02.153(i), by increasing the minimum living area square footage of dwelling from 1,400 to 1,600.

Section 25.02.153, Area Regulations

- (i) Area of dwelling. The minimum living area of the dwelling shall be ~~1,400~~ **1,600** square feet.
- 6) Division 10 (D Duplex Dwelling District Regulations), Section 25.02.193(h), by increasing the minimum living area square footage of dwelling from 800 to 1,000.

Section 25.02.193, Area Regulations

- (h) Area of dwelling unit. Each dwelling unit shall provide a minimum of ~~800~~ **1,000** square feet of living area.
- 7) Division 11 (TH Townhouse District Regulations), Section 25.02.222(a), by increasing the minimum living area square footage of dwelling from 1,100 to 1,300.

Section 25.02.222, Building Regulations

- (a) Minimum size. The minimum area of the main building constituting a single-family unit shall be ~~1,100~~ **1,300** square feet, exclusive of garages and breezeways.
- 8) Division 12 (A Apartment Dwelling District Regulations), Section 25.02.253(i), by increasing the minimum living area square footage of dwelling on a one bedroom apartment from 650 to 850; on a two bedroom apartment from 800 to 1,000; and on a three bedroom apartment from 900 to 1,100.

Section 25.02.253

- (i) Area of dwelling. Each dwelling unit shall provide for a minimum of ~~650~~ **850** [square feet] of living area for a one-bedroom apartment, ~~800~~ **1,000** square feet of living area for a two-bedroom apartment and ~~900~~ **1,100** square feet of living area for a three-bedroom apartment.
- 9) Division 24 (AG Agricultural District Regulations), by adding a new subsection under Section 25.02.583 for the minimum living area square footage of dwelling to be 2,400.

Section 25.02.583, Building and Area Regulations

- (d) Area of dwelling. **The minimum living area of the dwelling shall be 2,400 square feet.**



MINUTES

FOR THE SEAGOVILLE PLANNING AND ZONING COMMISSION

Meeting scheduled to begin at 6:30 p.m.,

Tuesday, December 13, 2016

in the Council Chambers of City Hall,

located at 702 N. Highway 175 – Seagoville, Texas

- I. Chairperson Perez declared a quorum present and called the meeting to order at 6:31 p.m.

Commissioners present: Commissioner Gary Adams
Vice-Chairperson James Sudduth
Commissioner Raymond Covert
Chairperson Alexandria Perez

Commissioners absent: Commissioner Catherine Braggs
Commissioner Mike Dupuis

City Staff present: Building Official Ladis Barr
Planning Technician/P&Z Commission Liaison Cindy Kintz

- II. Chairperson Perez gave the invocation and the commissioners led in the reciting of the Pledge of Allegiance.

- III. Vice-Chairperson Sudduth made a motion, seconded by Commissioner Adams, to approve the minutes for the regular meeting held on November 17, 2016. A vote was cast 4 in favor and 0 against.

- IV.A. Chairperson Perez opened the public hearing at 6:34 p.m. to hear the request of the City of Seagoville to amend the minimum living area square footage of dwellings and consider amending the following sections of Chapter 25.02, Zoning Ordinance, of the city's Code of Ordinances, (as well as any other applicable sections if necessary): Division 4 (R-1 Single Family Dwelling District Regulations), Section 25.02.063(i); Division 5 (R-2 Single Family Dwelling District Regulations), Section 25.02.083(i); Division 6 (R-3 Single-Family Dwelling District Regulations), Section 25.02.103(i); Division 7 (R-4 Single-Family Dwelling District Regulations), Section 25.02.123(i); Division 8 (R-5 Single-Family Dwelling District Regulations), Section 25.02.153(i); Division 10 (D Duplex Dwelling

District Regulations), Section 25.02.193(h); Division 11 (TH Townhouse District Regulations), Section 25.02.222(a); Division 12 (A Apartment Dwelling District Regulations), Section 25.02.253(i); and add a new subsection in Division 24 (AG Agricultural District Regulations), under Section 25.02.583. Community Development Director Ladis Barr addressed the Commission and presented an overview of the request. No one spoke in opposition to the request. The public hearing was closed at 6:36 p.m.

After a discussion, Commissioner Adams made a motion, seconded by Commissioner Covert, to make the following recommendations to City Council:

Amend Division 4 (R-1 Single Family Dwelling District Regulations), Section 25.02.063(i), by increasing the minimum living area square footage of dwelling from 2,000 to 2,200;

Amend Division 5 (R-2 Single Family Dwelling District Regulations), Section 25.02.083(i), by increasing the minimum living area square footage of dwelling from 1,800 to 2,000;

Amend Division 6 (R-3 Single-Family Dwelling District Regulations), Section 25.02.103(i), by increasing the minimum living area square footage of dwelling from 1,600 to 1,800;

Amend Division 7 (R-4 Single-Family Dwelling District Regulations), Section 25.02.123(i), by increasing the minimum living area square footage of dwelling from 1,500 to 1,700;

Amend Division 8 (R-5 Single-Family Dwelling District Regulations), Section 25.02.153(i), by increasing the minimum living area square footage of dwelling from 1,400 to 1,600;

Amend Division 10 (D Duplex Dwelling District Regulations), Section 25.02.193(h), by increasing the minimum living area square footage of dwelling from 800 to 1,000;

Amend Division 11 (TH Townhouse District Regulations), Section 25.02.222(a), by increasing the minimum living area square footage of dwelling from 1,100 to 1,300;

Amend Division 12 (A Apartment Dwelling District Regulations), Section 25.02.253(i), by increasing the minimum living area square footage of dwelling on a one bedroom apartment from 650 to 850; on a two bedroom apartment from 800 to 1,000; and on a three bedroom apartment from 900 to 1,100; and

Amend Division 24 (AG Agricultural District Regulations), by adding a new subsection under Section 25.02.583 for the minimum living area square footage of dwelling to be 2,400. (*Per Attachment "A"*)

A vote was cast 4 in favor and 0 against.

V.A. After a discussion, Commissioner Adams made a motion, seconded by Commissioner Covert, to approve a request from Seagoville Venture No. Three –

S-SI Rio Grande, L.P. to approve a final plat for the Seagoville Corners III Addition, generally located in the northeast quadrant of U.S. Highway 175 and Malloy Bridge Road in Seagoville, Texas. A vote was cast 4 in favor and 0 against.

- V.B. After a discussion with the applicant's representative, Michael Stansberry – 101 East Cherokee, Jacksonville, Texas 75766 – Commissioner Adams made a motion, seconded by Vice-Chairperson Sudduth, to approve a request from Metroplex Multifoods, Inc. to approve a revised site plan for Tract 7.3 in the John D. Merchant Survey, Abstract No. 850, Page 081, generally located in the southeast quadrant of U.S. Highway 175 and Malloy Bridge Road more commonly known as 550 East Malloy Bridge Road in Seagoville, Texas. A vote was cast 4 in favor and 0 against.
- V.C. After a discussion, Vice-Chairperson Sudduth made a motion, seconded by Commissioner Adams, to approve a request from Metroplex Multifoods, Inc. to approve an elevation plan for a new building on Tract 7.3 in the John D. Merchant Survey, Abstract No. 850, Page 081, generally located in the southeast quadrant of U.S. Highway 175 and Malloy Bridge Road more commonly known as 550 East Malloy Bridge Road in Seagoville, Texas. A vote was cast 4 in favor and 0 against.
- VI. The meeting was adjourned at 7:10 p.m.

ALEXANDRIA PEREZ
CHAIRPERSON

ATTEST:

CINDY KINTZ, PLANNING TECHNICIAN AND
PLANNING AND ZONING COMMISSION LIAISON



City of Seagoville, Texas

Minimum Area of Dwellings

Zoning District		Current	Consider	Lot Size	Area (sf)	Lot Coverage (sf)	Remaining
AG	Agriculture	0	2,400	50'x 150'	2 Acres	ZO does not specify	(-)
(R-1)	Residential - 1	2,000	2,200	80' x 120'	9,600	40% (3,840)	1,240
(R-2)	Residential - 2	1,800	2,000	75' x 120'	9,000	40% (3,600)	1,200
(R-3)	Residential - 3	1,600	1,800	70' x 120'	8,400	40% (3,360)	1,160
(R-4)	Residential - 4	1,500	1,700	65' x 120'	7,800	40% (3,120)	1,020
(R-5)	Residential - 5	1,400	1,600	60' x 120'	7,200	40% (2,880)	880
D	Duplex Dwelling	800	1,000	60' x 100'	*7,000	40% (2,800)	800
TH	Townhouse	1,100	1,300	22' x 100'	2,200	60% (1,320)	20
APT	Apartment Dwelling:						
	1) One Bedroom	650	850	60' x ?	*7,000 ²	50% (3,500)	
	2) Two Bedroom	800	1,000	60' x ?	*7,000 ²	50% (3,500)	
	3) Three Bedroom	900	1,100	60' x ?	*7,000 ²	50% (3,500)	

(*) Zoning Ordinance states 7,000sf for minimum area of lot.

(²)1,200sf for each family unit

**City of Seagoville
Planning & Zoning Commission**

Meeting Date: December 13, 2016 (Tuesday)

Name	Address	Speaking	Comments
1. Michael Stansberry	101 E. Cherokee, Jacksonville TX	Yes	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Agenda Item 4

Discuss and consider an Ordinance amending chapter 23, subdivisions, article 23.04, public sites and open places, section 23.04.004, "park land and public facility dedication", to provide that development of all park land must comply with article 19.10 and 23.03 of the Seagoville Code of Ordinances; by increasing the park development fee to \$500 per dwelling unit; providing that the requirement for dedication of park land applies to developments of at least two hundred and fifty dwelling units; and repealing the provisions providing for cash-in-lieu of land; providing a severability clause; providing a savings clause; and providing an effective date.

BACKGROUND OF ISSUE:

Currently there are nine (9) parks located throughout the City in a manner which sufficient to serve the current residents of the City. Due to the number of existing parks, staff feels it is reasonable to amend the park land dedication provisions to apply only to new developments with two hundred and fifty dwelling units or more. It is the staffs desire to increase the park development fee to \$500 per dwelling unit and to allow for the expenditure of such funds to improve currently existing parks and repeal the provisions allowing for cash in lieu of park land dedications.

FINANCIAL IMPACT:

N/A

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. ___-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 23, SUBDIVISIONS, ARTICLE 23.04, PUBLIC SITES AND OPEN PLACES, SECTION 23.04.004, "PARK LAND AND PUBLIC FACILITY DEDICATION", TO PROVIDE THAT DEVELOPMENT OF ALL PARK LAND MUST COMPLY ARTICLE 19.10, "STORMWATER PROTECTION," AND 23.03, "SUBDIVISION DESIGN STANDARDS," OF THE SEAGOVILLE CODE OF ORDINANCES; BY INCREASING THE PARK DEVELOPMENT FEE TO \$500 PER DWELLING UNIT; PROVIDING THAT THE REQUIREMENT FOR DEDICATION OF PARK LAND APPLIES TO DEVELOPMENTS OF AT LEAST TWO HUNDRED AND FIFTY DWELLING UNITS; AND REPEALING THE PROVISIONS PROVIDING FOR CASH-IN-LIEU OF LAND; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, upon review of the park land currently located within the City, the City Council has determined that there are nine (9) parks currently located within the City; and

WHEREAS, the City Council has determined that these parks are located throughout the City in a manner which is sufficient to serve the current residents of the City; and

WHEREAS, because of the number of existing parks, the City Council has determined it is prudent to amend the park land dedication provisions to apply only to new developments with two hundred and fifty dwelling units or more; and

WHEREAS, it is the desire of the City Council to increase the park development fee to \$500 per dwelling unit and to allow for the expenditure of such funds to improve currently existing parks;

WHEREAS, the City Council further desires to repeal the provisions allowing for cash-in-lieu of park land dedications and to ensure that development of all park land complies with applicable storm water drainage provisions; and

WHEREAS, based on the foregoing, the City Council of the City of Seagoville, Texas desires to amend the Code of Ordinances by amending Article 23.04, "Public Sites and Open Spaces", as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending CHAPTER 23, SUBDIVISIONS, ARTICLE 23.04, “Public Sites and Open Places”, Section 23.04.004, “Park Land and Public Facility Dedication”, by amending the provision limiting the expenditure of park land funds, which shall read as follows:

“ARTICLE 23.04 PUBLIC SITES AND OPEN SPACES

....

Sec. 23.04.004 Park land and public facility dedication

(a) Areas for public use.

- (1) The applicant shall provide suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of the city’s Parks, Recreation and Open Space Master Plan. Parks and public open space areas shall be indicated on the construction and final plat, and shall be subject to approval by the City’s planning and zoning commission upon approval of the construction and final plats.
- (2) No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway, without first obtaining written permission of the city and any other agency having jurisdiction. Any such alterations must be in compliance with the City’s storm water and drainage regulations, including but not limited to Article 19.10 and Article 23.03 of the Seagoville Code of Ordinances.

(b)

(c) General requirement: Dedication of land and payment of park development fee.

- (1) Prior to a plat being filed with the county clerk of Dallas or Kaufman (as applicable), Texas for a development of any type of residential development within the city or its extraterritorial jurisdiction, and in accordance with the planning and zoning commission ordinances of the city (as applicable), such plat shall contain clear, fee simple dedication of one (1) area of land for each two hundred and fifty (250) proposed dwelling units. As used in this ordinance, a “dwelling unit” means each individual residence, including individual residences in a multifamily structure, designed and/or intended for inhabitation by a single family. Any proposed plat

submitted to the city for approval shall clearly show the area proposed to be dedicated under this section as a platted lot.

- (2) The city council of the city declares that development of an area of less than five (5) acres for neighborhood park purposes is impractical. Therefore, if fewer than two hundred and fifty (250) dwelling units are proposed by a plat filed for approval, no dedication of park land will be necessary. In such case, the planning and zoning commission shall require the developer to only pay the applicable park development fees, as provided herein.
- (3) A park development fee shall be paid to the city as a condition of subdivision plat approval for all residential plats. Such park development fee shall be set from time to time by ordinance of the city council of the city sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. Unless and until changed by an ordinance amendment of the city council of the city, the park development fee shall be calculated on the basis of \$500 per dwelling unit.
- (4) In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements, subject to city approval. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the city, and shall conform with the city's design standards for amenities, equipment and improvements that apply in public city parks. The developer shall financially guarantee the construction of the amenities and improvements, and the city must approve same, prior to the filing of a plat in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the city has accepted such amenities and improvements, the developer shall dedicate by plat such amenities and improvements to the city with a condition or covenant providing for HOA maintenance of the neighborhood park(s), amenities and improvements located within the respective development.
- (5) The city shall have the right to accept or reject the dedication, if the city determines that sufficient park area is already in the public domain for the area of the proposed development, or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks. If the city rejects dedication of park land, the developer shall be required only to pay the applicable park development fee.

(d) Special fund, right to refund

- (1) All funds collected through park development fees will be deposited in the city's Park Development Fund and used solely for the purchase of new park equipment in the city's parks. All expenditures from the said Fund will be reviewed and approved by the city council.
- (2) The city shall account for all sums paid into the Park Development Fund with reference to the individual plats involved. Any monies paid into the said Fund must be expended by the city within ten (10) years from the date received by the city. Such funds shall be considered to be spent on a first in, first out basis in a park located within the particular subdivision, or within five (5) miles thereof. If not so expended within the ten-year period, the owners of the property will, on the last day of such period, be entitled to a refund of the remaining fees plus one-half of the accrued interest. The current owners of the property within the subdivision must request such a refund within one (1) year of entitlement, in writing, or such right is waived.

(e) Additional requirements, definitions

- (1) Any land dedicated as park land under this ordinance must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
 - (A) Any area primarily located in the 100-year floodplain; or
 - (B) Any areas of unusual topography or slope which renders same unusable for organized recreational activities (see subsection (e)(2) below).

The above characteristics of a park land dedication area may be grounds for refusal of any plat.

- (2) Drainage areas may be accepted as part of a park if the channel is to remain predominantly in its natural state or constructed in accordance with city engineering standards, if no significant area of the park is cut off from access by such channel, if not less than five (5) acres of the site is above the 100-year floodplain, or if the dedication is in excess of ten (10) acres, not more than fifty percent (50%) of the site shall lie within the 100-year floodplain unless otherwise approved by the city.
- (3) Each park must have direct, adequate vehicular and pedestrian access to one or more public streets. Street access shall be required to ensure vehicular access to park land.
- (4) Unless provided otherwise herein, an action by the city shall be by the planning and zoning commission.
- (5) Any construction plat approved prior to the effective date of this chapter shall be exempt from these requirements set forth herein; however, when such construction plat approval expires, any resubmission of such plat shall meet all requirements of this chapter.

SECTION 2. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS ___ day of December 2016.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Dara Crabtree, City Secretary

APPROVED AS TO FORM:

Alexis G. Allen, City Attorney

ARTICLE 23.04 PUBLIC SITES AND OPEN SPACES

Sec. 23.04.004 Park land and public facility dedication

(a) Areas for public use.

- (1) The applicant shall provide suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of the city's Parks, Recreation and Open Space Master Plan. Parks and public open space areas shall be indicated on the construction and final plat, and shall be subject to approval by the city's ~~Parks Board and by the~~ planning and zoning commission upon approval of the construction and final plats.
- (2) No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway, without first obtaining written permission of the city and any other agency having jurisdiction. ~~(See section 23.03.010)~~ **Any such alterations must be in compliance with the City's storm water and drainage regulations, including but not limited to Article 19.10 and Article 23.03 of the Seagoville Code of Ordinances.**

(b) Park land dedication.

- (1) The purpose of this section is to provide recreational areas and amenities in the form of neighborhood parks as a function of subdivision development in the city. This is enacted in accordance with the Home Rule powers of the city, granted under the Texas Constitution and statutes of the State of Texas, including, without limitation, TEX. LOC. GOV'T. CODE § 51.071 et seq. and § 212.001 et seq.

It is hereby declared by the city council of the city that recreational areas, in the form of neighborhood parks and related amenities and improvements, are necessary and in the public interest and welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property of a residential subdivision in the city, whether such development consists of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.

(2) Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby, the standards for which are set forth in the Seagoville Parks, Recreation and Open Space Master Plan. The neighborhood parks shown on the official Seagoville Parks, Recreation and Open Space Master Plan, shall be prima facie evidence that any park located therein is within such a convenient distance from the majority of residences to be served thereby. The cost of the neighborhood parks should be borne by the ultimate residential property owners who, by reason of proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect such purposes.

(c) General requirement: Dedication of land and payment of park development fee.

(1) Prior to a plat being filed with the county clerk of Dallas or Kaufman (as applicable), Texas for a development of any type of residential development within the city or its extraterritorial jurisdiction, and in accordance with the planning and zoning commission ordinances of the city (as applicable), such plat shall contain clear, fee simple dedication of one (1) area of land for each ~~one hundred and thirty-three (133)~~ **two hundred and fifty (250)** proposed dwelling units. As used in this ordinance, a "dwelling unit" means each individual residence, including individual residences in a multifamily structure, designed and/or intended for inhabitation by a single family. ~~In the event platting is not required, the requirements of this section must be met at the time of site plan approval, or if no site plan approval is required, prior to issuance of a building permit for the property.~~ Any proposed plat submitted to the city for approval shall clearly show the area proposed to be dedicated under this section as a platted lot. ~~The required land dedication of this section may be met by a payment in lieu of land where permitted by the city or where required by other provisions in this chapter.~~

~~In the event a plat is not required, the dedication of land required under this section shall be met prior to the issuance of a building permit or utility connection.~~

~~(2)~~ The city council of the city declares that development of an area of less than five (5) acres for neighborhood park purposes is impractical. Therefore, if fewer than ~~six hundred and sixty-five (665)~~ **two hundred and fifty (250)**

dwelling units are proposed by a plat filed for approval, ~~the planning and zoning commission may require the developer to pay the applicable cash in lieu of land amount, as provided in herein.~~ **no dedication of park land will be necessary. In such case, the planning and zoning commission shall require the developer to only pay the applicable park development fees, as provided herein.**

- (3) ~~In addition to the required dedication of land, as set forth above, there shall also be~~ A park development fee **shall be** paid to the city as a condition of subdivision plat approval **for all residential plats**. Such park development fee shall be set from time to time by ordinance of the city council of the city sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. Unless and until changed by an ordinance amendment of the city council of the city, the park development fee shall be calculated on the basis of \$500 per dwelling unit.
- (4) In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements, subject to city approval. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the city, and shall conform with the city's design standards for amenities, equipment and improvements that apply in public city parks. The developer shall financially guarantee the construction of the amenities and improvements, and the city must approve same, prior to the filing of a plat in the case of platted subdivisions ~~(or prior to site plan approval or issuance of a building permit when platting is not required prior to development or redevelopment)~~. Once the amenities and improvements are constructed, and after the city has accepted such amenities and improvements, the developer shall dedicate by plat such amenities and improvements to the city **with a condition or covenant providing for HOA maintenance of the neighborhood park(s), amenities and improvements located within the respective development.**
- (5) ~~In instances where land is required to be dedicated,~~ The city shall have the right to accept or reject the dedication ~~after consideration of the recommendation of the Parks Board and to require a cash payment in lieu of land in the amount provided herein,~~ if the city determines that sufficient park area is already in the public domain for the area of the

proposed development, or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks. **If the city rejects dedication of park land, the developer shall be required only to pay the applicable park development fee.**

~~(6) When two (2) or more developments will be necessary to create a neighborhood park of sufficient size in the same area, the Parks Board, at the time of concept plan or construction plat approval, will work with the developers to define the optimum location of the required dedication within the respective plats. Once a park site has been determined, adjacent property owners who develop around the park site shall dedicate land and cash to the existing site unless otherwise determined by the planning and zoning commission during review and approval of a plat, or by the city council under other circumstances such as an appeal.~~

~~(d) Cash in lieu of land~~

~~(1) A developer responsible for land dedication under this ordinance shall be required, at the planning and zoning commission's option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land, in the amount set forth below. Such payment in lieu of land shall be made prior to the issuance of a building permit. Where no building permit is required the fee shall be paid prior to filing of the final plat for record.~~

~~The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by ordinance of the city council sufficient to acquire neighborhood park land. Unless and until changed by the city council, such fee shall be computed on the basis of \$250 per dwelling unit.~~

~~A cash payment in lieu of land dedication, as set forth in this section, does not relieve the developer of its obligation to pay the park development fee set forth in above. The cash payment in lieu of land dedication is in addition to the required park development fee.~~

~~(3) The city may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase park land in a park service area, subsequent park land dedications for that zone shall be in cash only, the calculation of which is set forth above. Such cash payment is in addition to the payment of the required park development fee.~~

~~(ed) Special fund, right to refund~~

- (1) All funds collected ~~by this dedication process~~ through park development fees will be deposited in the city's Park Development Fund and used solely for the purchase ~~or leasing of park land and the development of same of~~ new park equipment in the city's parks. All expenditures from the said Fund will be reviewed and approved by the city council.
- (2) The city shall account for all sums paid into the Park Development Fund with reference to the individual plats involved. Any monies paid into the said Fund must be expended by the city within ten (10) years from the date received by the city. Such funds shall be considered to be spent on a first in, first out basis in a ~~particular park service area~~ park located within the particular subdivision, or within five (5) miles thereof. If not so expended within the ten-year period, the owners of the property will, on the last day of such period, be entitled to a refund of the remaining fees plus one-half of the accrued interest. The current owners of the property within the subdivision must request such a refund within one (1) year of entitlement, in writing, or such right is waived.

(fe) Additional requirements, definitions

- (1) Any land dedicated ~~to the city as park land~~ under this ordinance must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
 - (A) Any area primarily located in the 100-year floodplain; or
 - (B) Any areas of unusual topography or slope which renders same unusable for organized recreational activities (see subsection (f)(2) below).

The above characteristics of a park land dedication area may be grounds for refusal of any plat.

- (2) Drainage areas may be accepted as part of a park if the channel is to remain predominantly in its natural state or constructed in accordance with city engineering standards, if no significant area of the park is cut off from access by such channel, if not less than five (5) acres of the site is above the 100-year floodplain, or if the dedication is in excess of ten (10) acres, not more than fifty percent (50%) of the site shall lie within the 100-year floodplain unless otherwise approved by the city.
- (3) Each park must have direct, adequate vehicular and pedestrian access to one or more public streets. Street access shall be required to ensure vehicular access to park land.

- (4) Unless provided otherwise herein, an action by the city shall be by the planning and zoning commission, ~~after consideration of the recommendations of the Parks Board.~~
- (5) Any construction plat approved prior to the effective date of this chapter shall be exempt from these requirements set forth herein; however, when such construction plat approval expires, any resubmission of such plat shall meet all requirements of this chapter.

Agenda Item 5

Discuss and consider an Ordinance amending Chapter 9, "Fireworks", of the Code of Ordinances by amending subsection 9.04.001 (a) to prohibit the possession, use or discharge of fireworks within the City; amending Subsection 9.04.001 (b) to provide an exception for the sale of fireworks on property zoned as Planned Development with Light Manufacturing uses; and adopting a new Subsection 9.04.001 (c) to provide an affirmative defense to the possession of fireworks for transporting fireworks in a motor vehicle; providing for a penalty for the violation of this ordinance; providing for repealing, saving and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.

BACKGROUND OF ISSUE:

Staff has determined a need to provide an exception to the current code provisions that will allow for the sale of fireworks on property zoned as Planned Development with Light Manufacturing uses. A Planned Development will allow the City Council to set specific guidelines and restrictions that must be met by the business including but not limited to when the business can be open along with the hours of operation while open.

In addition, staff desires to prohibit the ignition, possession or use of fireworks within the City. This provision will continue to prevent fireworks from being discharged within the City limits.

Staff supports approval of the attached ordinance, if the City Council so desires.

On or about Wednesday, December 14, 2016 a meeting was held with Lonnie Basse, Vice President with American Promotional Events, Inc.-East. Mr. Basse made several recommendations that we may desire to be included within said Ordinance such as;

- Stand-alone building;
- Fire Sprinkler System;
- \$20,000,000.00 liability insurance and showing the City as an additional insured; and
- 6,000 square foot building minimum.

FINANCIAL IMPACT:

N/A

AN ORDINANCE OF THE CITY OF SEAGOVILLE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 9, FIRE PREVENTION AND PROTECTION, ARTICLE 9.04, "FIREWORKS", OF THE CODE OF ORDINANCES BY AMENDING SUBSECTION 9.04.001 (A) TO PROHIBIT THE POSSESSION, USE OR DISCHARGE OF FIREWORKS WITHIN THE CITY; AMENDING SUBSECTION 9.04.001 (B) TO PROVIDE AN EXCEPTION FOR THE SALE OF FIREWORKS ON PROPERTY ZONED AS PLANNED DEVELOPMENT WITH LIGHT MANUFACTURING USES; AND ADOPTING A NEW SUBSECTION 9.04.001 (C) TO PROVIDE AN AFFIRMATIVE DEFENSE TO THE POSSESSION OF FIREWORKS FOR TRANSPORTING FIREWORKS IN A MOTOR VEHICLE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Seagoville desires to provide an exception to allow for the sale of fireworks in certain areas of the City; and

WHEREAS, the City Council further desires to amend its ordinance to prohibit the ignition, possession or use of fireworks within the City; and

WHEREAS, the City Council finds that it would be in the best interest of its citizens to amend Chapter 9, "Fire Prevention and Protection", Article 9.04 of Seagoville's Code of Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1: Chapter 9, "Fire Prevention and Protection", Article 9.04, "Fireworks", Section 9.04.001 of Seagoville's Code of Ordinances is hereby amended as set forth below:

"ARTICLE 9.04 FIREWORKS

Sec. 9.04.001 Sale; Display; Storage

(a) No person, firm, corporation shall sell, offer for sale, display, barter or exchange, store, use, discharge, cause to be discharged, ignite, detonate, fire or have in their possession any fireworks, as defined by International Fire Code, adopted Article 9.03 Fire Code, Section 9.03.001 of the Code of Ordinance, within the jurisdiction limits of the City.

(b) The provisions of this ordinance as to sale or display shall not apply to the following:

(1) Property zoned as a Planned Development with allowable uses consistent with light manufacturing districts and a regulation allowing the sale, display and storage of the fireworks under specific conditions.

(2) Property contiguous on the north side of State Highway 175 which was annexed into the City after May 1, 2012. The provisions of this subsection shall expire on April 30, 2022.

(c) It shall be an affirmative defense to prosecution under this article for the possession of fireworks if:

(1) The defendant was operating or was a passenger in a motor vehicle that was being operating in a public place; and

(2) the fireworks were not in the passenger area of the vehicle.”

SECTION 3: All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full

force and effect. The City hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6: That any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7: This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the _____ day of _____, 2016

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

DARA CRABTREE, CITY SECRETARY

APPROVED AS TO FORM:

ALEXIS G. ALLEN, CITY ATTORNEY

ARTICLE 9.04 FIREWORKS

Sec. 9.04.001 Sale; display; storage

(a) No person, firm, or corporation shall sell, offer for sale, display, barter or exchange, or store any fireworks, as defined by the International Fire Code 2000 edition, adopted by article 9.03 Fire Code, [section 9.03.001](#) of this code, within the jurisdictional limits of the city.

~~(b) The provisions of this section as to sale or display shall not apply to property contiguous on the north side of State Highway 175 which was annexed into the city after May 1, 2012. The provisions of this subsection shall expire on April 30, 2022. (Ordinance 04-12 adopted 5/14/12)~~

(b) The provisions of this ordinance as to sale or display shall not apply to the following:

(1) Property zoned as a Planned Development with allowable uses consistent with light industrial districts and a regulation allowing the sale, display and storage of the fireworks under specific conditions.

(2) Property contiguous on the north side of State Highway 175 which was annexed into the City after May 1, 2012. The provisions of this subsection shall expire on April 30, 2022.

(c) It shall be an affirmative defense to prosecution under this article for the possession of fireworks if:

(1) The defendant was operating or was a passenger in a motor vehicle that is operating in a public place; and

(2) The fireworks were not in the passenger area of the vehicle.

Agenda Item 6

Receive Councilmember Reports

BACKGROUND OF ISSUE:

Items of community interest with which no action can be taken, as authorized by Section 551.0415 of the Government Code.

FINANCIAL IMPACT:

None

Agenda Item 7

Receive Citizen Comments

BACKGROUND OF ISSUE:

Citizens may speak 6 minutes each on any matter, other than personnel matters or matters under litigation.

FINANCIAL IMPACT:

None

Agenda Item 8

Receive Future Agenda Items

BACKGROUND OF ISSUE:

If a Councilmember should wish for an item to be placed on a future agenda it may be requested at this time. Please keep in mind, there CANNOT be a discussion amongst the City Council regarding such an item because it is not listed on the posted agenda.

FINANCIAL IMPACT:

None

Agenda Item 9

Adjourn

BACKGROUND OF ISSUE:

At this time the Mayor may adjourn the meeting if there is no further business to discuss.

FINANCIAL IMPACT:

None