

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 23-2017

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM RESIDENTIAL-1 (R-1) TO PLANNED DEVELOPMENT (PD-1705) TO ALLOW FOR DEVELOPMENT OF A RESIDENTIAL SUBDIVISION FOR 86.39 ACRES OF LAND, DESCRIBED AS PART OF THE HERMAN HEIDER SURVEY, ABSTRACT NO. 541, LOCATED ON THE NORTHEAST CORNER OF SEAGOVILLE ROAD AND ARD ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF THE CONCEPT PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "B"; 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.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas, and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that the Zoning Application (PD-1705) should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Residential-1 (R-1) to Planned Development (PD 1705) to allow for development of a residential subdivision for 86.39 acres of land described as part of the Herman Heider Survey, Abstract No. 541, located on the Northeast corner of Seagoville Road and Ard Road, Seagoville, Dallas County, Texas, and being legally described in Exhibit "A", attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the City of Seagoville Zoning Ordinance and Construction Standards, except as amended herein, and the following development regulations:

- A. The property shall be developed as a residential subdivision consisting of not more than 288 single-family residential lots and 8 common space lots, in accordance with the approved Conceptual Plan, which is attached hereto as Exhibit B and adopted herein;
- B. The front yard of every residential lot shall have a minimum depth of not less than twenty feet (20’);
- C. The side yard of every residential lot shall have a width of not less than five feet (5’) from the building lines, except that the side yard of a corner lot adjacent to a street shall have a width of not less than ten feet (10’);
- D. The rear yard of every residential lot shall have a minimum depth of not less than 10 feet (10’);
- E. The minimum area of every residential lot shall be not less than 6,000 square feet;
- F. The minimum area regulations listed above in subsection (E) do not apply to those residential lots which measure 50 feet in width, however, no lot shall be less than 6,000 square feet;
- G. The minimum depth of all other residential lots shall be not less than 110 feet (110’);
- H. The minimum width of all residential lots shall be not less than 50 feet (50’);
- I. The minimum living area of each residential dwelling shall not be less than 2,000 square feet for each lot that is 50 feet (50’) in width;
- J. The minimum living area of each residential dwelling shall not be less than 2,200 square feet for each lot that is between 60 feet (60’) and 80 feet (80’) in width;
- K. Each dwelling unit must provide an enclosed garage with a minimum of 400 square feet. Except, however, the city council may grant a special use permit in accordance with division 26 of Seagoville Zoning Ordinance to alter an existing premises occupied or to be occupied by a handicapped person, as defined by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), 42 USCA § 3601 et seq., as amended, if such modification is necessary to afford such person full enjoyment of said premises.;
- L. The main structure and garage shall not cover more than 70 percent of the lot area;
- M. The maximum height for all buildings is 35 feet (35’);
- N. The maximum length of driveway pavement shall be 20 feet which shall not encroach into a sidewalk;

- O. All fence posts shall be schedule 40 steel pipe fence post(s) be buried to a depth of two feet (2') in concrete as required by Article 21.08 of the City of Seagoville Code of Ordinances;
- P. A six-foot (6') screening wall constructed of rock, brick, stone, cementitious and wrought iron and combination thereof shall be constructed along the entire length of the property that borders Seagoville Road and Ard Road;
- Q. An eight-foot (8') wood privacy fence will separate the property which is perpendicular from Ard Road to a future minor collector road as shown on the thoroughfare plan; and along the east boundary line along the future minor collector road
- R. A hike/bike trail, playground and community garden/agri-hood will be constructed within the open space, as depicted on the concept plan attached hereto as Exhibit B;
- S. All common areas, detention ponds, green space, screening walls, landscaping, irrigation and unimproved surfaces shall be maintained by the Homeowners' Association ("HOA");
- T. The property shall be landscaped in compliance with Division 21 of the City of Seagoville Zoning Ordinance;
- U. All signage shall comply with Article 21.09 of the City of Seagoville Code of Ordinances, and the signage constructed at the primary entrance to the property from Seagoville Road must be consistent with that depicted on the Concept Plan attached hereto as Exhibit B;
- V. One-half of Ard Road, specifically that portion of the property which abuts the full length of Ard Road, shall be paved concrete, curb, and gutter roadway;
- W. All structures must be constructed of 90% masonry material, which consists of brick, rock, stone, and hardiplank; and
- X. Except as amended herein, all construction shall comply with the construction standards and ordinances of the City of Seagoville, Texas.

SECTION 3. The property shall be developed and used only in accordance with the conceptual plan attached as Exhibit "B" and incorporated herein for all purposes, and which is hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein.

SECTION 5. 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 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. 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 Comprehensive Zoning Ordinance 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 9. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the 2nd day of October, 2017.

APPROVED:



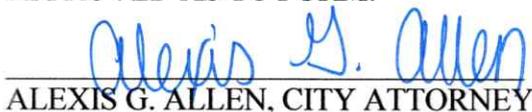
DENNIS K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:



ALEXIS G. ALLEN, CITY ATTORNEY

(/kkj)

EXHIBIT A

Being a tract of land situated in the Herman Heider Survey, Abstract No. 541, Town of Seagoville, Dallas County, Texas, being part of a 100 acre tract of land conveyed to Lewis A. Price and wife, Ethel R. Price, by deed filed December 28, 1934, and recorded in Volume 1878, Page 631, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at the intersection of the northeast line of Seagoville Road (an 80' R.O.W.), with the southeast line of Ard Road, (a 43.5' R.O.W.), an iron stake for corner;

Thence North 44 degrees 43 minutes 15 seconds East, with the said southeast line of Ard Road, a distance of 1735.28 feet, an iron stake found for corner;

Thence South 45 degrees 00 minutes East, with the northeast line of said Lewis A. Price 100 acre tract, a distance of 2355.77 feet to the most northerly corner of a 3.995 acre tract of land conveyed to Texas Power and Light Company by deed recorded in Volume 5626, Page 665, Deed Records, Dallas County, Texas, an iron stake for corner;

Thence South 44 degrees 43 minutes 15 seconds West, with the northwest line of said T. P. & L. tract, a distance of 706.65 feet to the most easterly corner of a 4.14 acre tract of land conveyed to Craig E. Waggoner and wife, Jocelyn Waggoner, by deed recorded in Volume 73223, Page 6151, Deed Records, Dallas County, Texas, an iron stake for corner;

Thence North 45 degrees 00 minutes West, with the northeast line of said 4.14 acre tract, a distance of 250.00 feet, an iron stake for corner;

Thence South 44 degrees 43 minutes 15 seconds West, with the northwest line of said 4.14 acre Waggoner tract, passing the most northerly corner of a 1.86 acre tract of land conveyed to Harold Altom and wife, Ann Altom by deed recorded in Volume 67106, Page 1316, Deed Records, Dallas County, Texas, at a distance of 585.23 feet, and continuing a total distance of 708.63 feet, to the most easterly corner of a 1.63 acre tract of land conveyed to Lewis F. Williamson, Jr., and wife, Anna B. Williamson by deed recorded in Volume 76143, Page 2834, Deed Records, Dallas County, Texas, an iron stake for corner;

Thence North 45 degrees 00 minutes West, with the northeast line of said 1.63 acre Williamson tract, a distance of 208.70 feet, an iron stake for corner;

Thence South 44 degrees 43 minutes 15 seconds West, with the northwest line of said 1.63 acre Williamson tract, a distance of 320.00 feet to a point in the said northeast line of Seagoville Road, an iron stake for corner;

Thence North 45 degrees 00 minutes West, with the said Northeast line of Seagoville Road, a distance of 762.07 feet to an angle point, an iron stake for corner;

Thence North 39 degrees 17 minutes 22 seconds West, with the said northeast line of Seagoville Road, a distance of 50.25 feet, to an angle point, an iron stake for corner;

Thence North 45 degrees 00 minutes West, with the said northeast line of Seagoville Road, a distance of 100.00 feet to an angle point, an iron stake for corner;

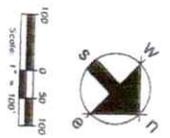
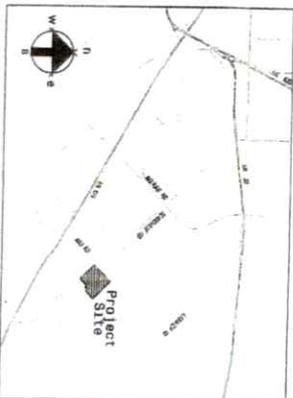
Thence North 50 degrees 42 minutes 38 seconds West, with the said northeast line of Seagoville Road, a distance of 50.25 feet to an angle point, an iron stake for corner;

Thence North 45 degrees 00 minutes West, with the said northeast line of Seagoville Road, a distance of 935.00 feet to the Place of Beginning and containing 86.39 acres of land.

EXHIBIT A

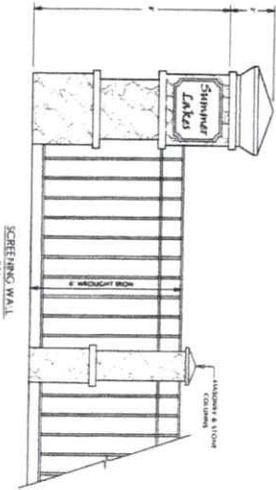
(Continued)

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.



8 Common Space Lots (1X-8X)
 288 Lots
CONCEPT PLAN
 for
Summer Lakes
 City of Seagoville, Dallas County, Texas
 Being 86.39 Acres out of
 the Herman Heider Survey, Abstract No. 541
 in the City of Seagoville, Dallas County, Texas

- 106 LOTS - 50' X 120'
- 98 LOTS - 60' X 120'
- 49 LOTS - 70' X 120'
- 35 LOTS - 80' X 120'



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DATE: 7/2017