

**THE CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 22-2017**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 25, ZONING, BY AMENDING DIVISION 16, "C COMMERCIAL DISTRICT REGULATIONS", SECTION 25.02.371, BY DELETING MOTEL FROM THE LIST OF PERMITTED USES; AND, AMENDING DIVISION 26, "SPECIAL USES", SECTION 25.02.631, BY ADDING NUMBER (64) TO PROVIDE FOR A HOTEL/MOTEL IN A COMMERCIAL DISTRICT WITH DEVELOPMENT REGULATIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Seagoville currently provides for motels to be located in a commercial district as a permitted use; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on September 26, 2017 to receive input from the public on removing the motels as a permitted use from the commercial zoning district and requiring a special use permit for hotels/motels in a commercial zoning district with specific development regulations; and

**WHEREAS**, after public hearing and discussion, the Planning and Zoning Commission unanimously voted to make recommendation to the City Council to amend the zoning ordinance to reflect the requirement for a special use permit for hotels/motels in a commercial zoning district with specific development regulations; and

**WHEREAS**, after discussion and consideration of the Planning and Zoning Commission's recommendation, the City Council determined that it is in the best interest of the City to amend the Zoning Ordinance to require a special use permit in the commercial zoning district for hotels/motels with specific development regulations as set forth 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, Chapter 25, Zoning, be, and the same is, hereby amended by amending Division 16, "C Commercial District Regulations", Section 25.02.371, by deleting motel from the list of permitted uses, and, amending Division 26, "Special Uses", Section 25.02.631, by adding number (64) to require a specific use permit for a hotel/motel in a commercial district with development regulations, which shall read as follows:

**"CHAPTER 25. ZONING**

....

**Division 16. C Commercial District Regulations**

**Sec. 25.02.371 Use regulations**

In a “C” District, no land shall be used and no building shall be used, erected or converted to any use other than those listed below or those of a like and/or similar use:

...

Mirror resilvering.

Motion picture studio, commercial films.

....

**Division 26. Special Uses**

**Sec. 25.02.631 Uses which may be authorized by ordinance**

The city council may, after public hearing and property notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorized by ordinance the location of any of the following in the specified districts:

...

- (64) Hotel and motel in a “C” District. A special use permit in a commercial district for a hotel or motel use may be approved only when there is a finding and determination by the city council, following a favorable recommendation by the planning and zoning commission, that the type of hotel or motel proposed is compatible and consistent with and will have no adverse affect on existing uses in the area, that the proposed use is equal to or exceeds development standards of other uses and that the proposed use will not adversely affect the ability to locate, in the future, additional uses that are allowed within the zoning district of the area.

Hotel and motel developments shall be subject to the following development standards:

- (A) A minimum lot size for a hotel or motel development shall be no less than four acres, with the exception that a lot size less than four acres may be permitted provided the city council, following a favorable recommendation by the planning and zoning commission, and after review of submitted data and facts, finds and determines that such facility is an appropriate use, design and lay-out for the site and area. Under no circumstance shall a lot of less than two acres be utilized for this use.
- (B) Shall provide staff on-site 24 hours a day;
- (C) Shall contain a lobby with a minimum of 150 square feet;
- (D) Shall provide a minimum of three (3) amenities from the list below:
  - (1) Indoor/outdoor pool.
  - (2) Spa/sauna.
  - (3) Weight room/fitness center.

- (4) Playground.
- (5) Sports court.
- (6) Plaza/atrium.
- (7) Game room.
- (8) Jogging trail.
- (9) Conference room (1,000 square foot minimum).
- (10) Full service restaurant (minimum seating capacity of 35)."

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

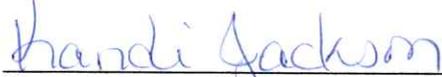
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 2<sup>nd</sup> day of OCTOBER 2017.**

**APPROVED:**



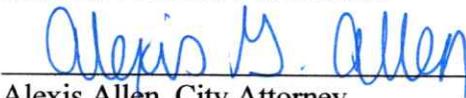
\_\_\_\_\_  
Dennis K. Childress, Mayor

**ATTEST:**



\_\_\_\_\_  
Kandi Jackson, City Secretary

**APPROVED AS TO FORM:**



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Alexis Allen, City Attorney

(:cdb 09/27/2017)