

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 14-2018

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS AND KAUFMAN COUNTIES, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, KAUFMAN COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM PLANNED DEVELOPMENT-13-01-AMENDED 1 (PD-13-01-A1) TO PLANNED DEVELOPMENT-13-01-AMENDED 2 (PD-13-01-A2) FOR THE PROPERTY LOCATED AT 1706 SOUTH U.S. HIGHWAY 175, SEAGOVILLE, KAUFMAN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS LOTS 1, 2A, 2B AND 3, BLOCK A, OF THE SUDDUTH ADDITION AND BEING LEGALLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR AMENDED DEVELOPMENT REGULATIONS; 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, Planned Development-13-01 ("PD-13-01) was approved by the adoption of Ordinance No. 04-13 on April 15, 2013; and

WHEREAS, on or about January 4, 2016, the first amendment to PD-13-01 (PD-13-01-A1) was approved by the adoption of Ordinance 01-16 to provide for additional uses and amended development regulations; and

WHEREAS, the City has received an application for a second amendment to PD-13-01 (PD-13-01-A2) to provide for new allowable uses; and

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 Zoning Application No. PD-13-01-A2 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 Planned Development-13-01 (PD-13-01-A1) to Planned Development-13-01-Amended 1 (PD-13-01-A2), for the property located at 1706 South U. S. Highway 175, Seagoville, Kaufman County, Texas and being more particularly described as Lots 1, 2A, 2B and 3, Block A of the Sudduth Addition and being legally described in Exhibit A, which is attached hereto and incorporated herein.

SECTION 2. That for the purposes of this Ordinance, the following definitions shall apply:

1. *Allowable Uses* shall mean the uses allowed for each lot after providing proof of compliance with all local, county, state and federal regulations governing each use and obtaining all the appropriate permits.
2. *Car Corral* shall mean a location wherein automobile dealers may display vehicles for sale, accept applications and preapprove applicants for purchase of a vehicle on market days only. Finalizing the purchase shall not be permitted at the site and shall be carried through at the dealership. The number of vehicles located on the site for this purpose on any market day shall not exceed one hundred (100).
3. *Flea market* shall mean an occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.
4. *Market days* shall mean Friday, Saturday and Sunday from 6:00 am to 6:00 pm. and shall include any federal holidays which fall specifically on Monday.
5. *Special events* shall mean any carnivals, carnival games, rodeos, concerts, circus and/or similar activities not associated with, or taking place during, the flea market as defined herein; a live musical performance during market days shall not be included in the definition of concert or special event.

SECTION 3. The property shall be developed and used in accordance with Ordinance No.

04-13 and Ordinance No. 01-16, except as amended herein, and the following regulations:

1. The following use and regulations shall be allowable uses, as defined herein, on Lot 1, Block A of the Sudduth Addition:
 - (a) Single family residence and accessory buildings, as set forth and depicted on the Conceptual Site Plan, which is attached hereto and incorporated herein as Exhibit B, and as provided in Chapter 25, Article 25.02, Division 4, R-1 Single Family District Regulations, and other applicable provisions of Chapter 25, City of Seagoville Code of Ordinances.
 - (b) May be used for Holiday displays, including a drive-through holiday park and pumpkin patch, for a public purpose for the months of October, November and December.
 - (c) Amusement rides (temporary and permanent)
 - (d) Apple Cannon
 - (e) Bowling Alley
 - (f) Communication, broadcasting, receiving and transmitting towers, including all types of amateur and professional radio, television, phone, cable, and other over-the-air methods.
 - (g) Concerts
 - (h) Easter Park
 - (i) Events Center (meetings, weddings, birthdays)
 - (j) Farmers Market
 - (k) Fossil/Arrowhead dig
 - (l) Game Room (video games, carnival style games)
 - (m) Gift Shop
 - (n) Go Cart Track
 - (o) Haunted House / Hayride / Zombie Paintball
 - (p) Hotel / Motel
 - (q) Ice Skating
 - (r) Kid's Mini City
 - (s) Microbrew
 - (t) Miniature Golf
 - (u) Nursery Plant Sales
 - (v) Paintball
 - (w) Petting Zoo/Educational Center Walk-Through
 - (x) Restaurant – Full Service
 - (y) Santa's Country Village
 - (z) Snack Bar
 - (aa) Train (track or trackless)
 - (bb) Walk around beer

- (cc) Water Park
- (dd) Zoo
- (ee) No additional uses, accessory uses or structures are allowed without an amendment to this regulation and ordinance.

2. The following use and regulations shall be allowable uses on Lot 2A, Block A of the Sudduth Addition:

- (a) Shall be developed and used as a flea market, as defined and set forth herein and/or any other allowable use set forth in this Ordinance and the City of Seagoville Zoning Ordinance, Chapter 25, Division 16, *except as specifically prohibited below.*
- (b) Amusement rides (temporary and permanent)
- (c) A car corral, as defined herein, shall be permitted on market days only and shall not be stored upon the property on any other days.
- (d) Communication, broadcasting, receiving and transmitting towers, including all types of amateur and professional radio, television, phone, cable, and other over-the-air methods.
- (e) Concerts
- (f) Drive-Through Holiday Park. A drive-through holiday park may be permitted upon the property. Decorations, small temporary structures and facades shall be constructed without the requirement of a building permit. Any and all electrical wiring, temporary and permanent, shall be required to comply with the electrical code and shall require an electrical permit.
- (g) Bowling Alley
- (h) Events Center (meetings, weddings, birthdays)
- (i) Farmers Market
- (j) Game room (video games, carnival style games)
- (k) Gift Shop
- (l) Hotel / Motel
- (m) Ice Skating
- (n) Kid's Mini City
- (o) Microbrew
- (p) Nursery Plant Sales
- (q) Restaurant – Full Service
- (r) Snack Bar
- (s) Soccer or Athletic Field. Construction of a soccer or athletic field shall be permitted upon the property, including any area(s) designated as flood plain, provided construction is consistent with state, local and federal law.
- (t) Train, either track or trackless.
- (u) Special Events. After obtaining the appropriate permits, a maximum of ten (10) special events per calendar year may be held on the property.

Special events may be permitted during non-market days (as defined herein) from 8:00 a.m. to 11:00 p.m.

- (v) Storage containers shall be permitted provided that the same are not visible from the highway or frontage. Storage containers may be rented to vendors.
 - (w) Water Park
 - (x) Walk around beer
 - (y) No additional uses, accessory uses or structures are allowed without an amendment to this regulation and ordinance.
 - (z) Prohibited Uses - In no event shall the following uses be permitted on Lot 2A, which are as follows:
 - (1) Automotive sales;
 - (2) Automotive laundry/car wash;
 - (3) Mechanic or automotive repair service;
 - (4) Gasoline or petroleum sales;
 - (5) Drive-through window service;
 - (6) Drive-in service;
 - (7) Convenience stores;
 - (8) Storage facilities for the purposes of storing motor vehicles, recreational vehicles, boats, campers and trailers; and/or
 - (9) firearm sales.
 - (z) In no event shall any structure or construction of any nature, excluding the permitted uses below for Lot 2B, be permitted within the area designated as flood plain.
3. The following use and regulations shall be allowable uses, as defined herein, on Lot 2B, Block A of the Sudduth Addition:
- (a) Apple Cannon
 - (b) BMX track
 - (c) Camping
 - (d) Communication, broadcasting, receiving and transmitting towers, including all types of amateur and professional radio, television, phone, cable, and other over-the-air methods.
 - (e) Concerts
 - (f) Easter Park
 - (g) Fossil / Arrowhead dig
 - (h) Go-Cart Tracks
 - (i) Haunted House / Hayride / Zombie Paintball
 - (j) Ice Skating
 - (k) Miniature Golf
 - (l) Nursery Plant Sales
 - (m) Paintball
 - (n) Petting Zoo / Educational Center walk through
 - (o) Recreational Vehicle Parking

- (p) Rodeos
- (q) Santa's Country Village
- (r) Train, either track or trackless
- (s) Walk around beer
- (t) Water Park
- (u) Zoo
- (v) No additional uses, accessory uses or structures are allowed without an amendment to this regulation and ordinance.

4. The following use and regulations shall be allowable uses, as defined herein, on Lot 3, Block A of the Sudduth Addition:

- (a) May be developed and used as a flea market, as defined and set forth herein and/or any other allowable use set forth in this Ordinance and the City of Seagoville Zoning Ordinance, Chapter 25, Division 16, *except as specifically prohibited below.*
- (b) Amusement rides (temporary and permanent)
- (c) Bowling Alley
- (d) A car corral, as defined herein, shall be permitted on market days only and shall not be stored upon the property on any other days.
- (e) Communication, broadcasting, receiving and transmitting towers, including all types of amateur and professional radio, television, phone, cable, and other over-the-air methods.
- (f) Concerts
- (g) Storage containers shall be permitted provided that the same are not visible from the highway or frontage. Storage containers may be rented to vendors.
- (h) Drive-Through Holiday Park. A drive-through holiday park may be permitted upon the property. Decorations, small temporary structures and facades shall be constructed without the requirement of a building permit. Any and all electrical wiring, temporary and permanent, shall be required to comply with the electrical code and shall require an electrical permit.
- (i) Events Center (meetings, weddings, birthdays)
- (j) Farmers Market
- (k) Game Room (video games, carnival style games)
- (l) Gift Shop
- (m) Hotel / Motel
- (n) Ice Skating
- (o) Kid's Mini City
- (p) Microbrew
- (q) Miniature Golf
- (r) Nursery Plant Sales
- (s) Restaurant – Full Service

- (t) Snack Bar
- (u) Soccer or Athletic Field. Construction of a soccer or athletic field shall be permitted upon the property, including any area(s) designated as flood plain, provided construction is consistent with state, local and federal law.
- (v) Storage containers shall be permitted provided that the same are not visible from the highway or frontage. Storage containers may be rented to vendors.
- (w) Train, either track or trackless
- (x) Walk around beer
- (y) Water Park
- (z) No additional uses, accessory uses or structures are allowed without an amendment to this regulation and ordinance
- (aa) Prohibited Uses - In no event shall the following uses be permitted on Lot 3, which are as follows:
 - (1) Automotive sales;
 - (2) Automotive laundry/car wash;
 - (3) Mechanic or automotive repair service;
 - (4) Gasoline or petroleum sales;
 - (5) Drive-through window service;
 - (6) Drive-in service;
 - (7) Convenience stores;
 - (8) Storage facilities for the purposes of storing motor vehicles, recreational vehicles, boats, campers and trailers; and/or
 - (9) firearm sales.

5. The following development regulations and standards shall be applicable to the Planned Development:

- (a) Prior to the commencement of **any** construction on any lot, the appropriate permits **must** be obtained from the City of Seagoville.
- (b) In the event permits are required from any federal and/or state agencies related to the use of the structure, such permit shall be obtained and a copy provided to the City of Seagoville upon making application to the City for the construction permit.
- (c) The enclosed pavilions and/or rental spaces currently constructed on Lots 2A and 3 shall be maintained in a good condition. Construction of an additional eight (8) large structures and up to thirty-nine (39) small structures, constructed to conform to the same or similar size and materials as the existing structures, shall be permitted after obtaining the appropriate permit. The following shall apply:

- (1) Building materials and construction which constitute an amendment to these regulations and ordinance for pavilions shall require:
 - (a) Metal steel exterior
 - (b) Concrete foundation
- (2) Compliance with local codes for all building codes, fire codes or any other applicable codes shall apply to all existing and new pavilions and rental spaces.
- (3) Between Suite 1652 and Suite 1710, there shall be an unobstructed driveway and fire lane of twenty four (24) feet as provided in Exhibit B.
- (4) No flea market customer parking is permitted in front of the buildings adjacent to SH 175, except for loading and unloading goods during specified business.
- (5) Vendor spaces shall be a minimum of 10' by 10'.
- (6) Carports and/or similar structures shall be permitted on vendor spaces located on unimproved surfaces for the purposes of providing shade and cover. A permit is required and all such structures shall meet the following requirements:
 - a. Shall be constructed of similar and/or like materials and colors as existing structures located on the site;
 - b. Supporting poles for carports and/or similar structures placed on the property shall be set in concrete and those placed on the property after the adoption of this Ordinance shall be able to withstand winds up to one hundred fifteen (115 mph) miles per hour; and,
 - c. Shall only be permitted behind the existing structures.
- (d) Eight (8) concrete pads, measuring 18 X 24 feet, may be constructed and maintained without permanent walls and roof. Said pad may be covered with non-permanent enclosure during market hours, as provided herein. In no event, however, shall any temporary wood structures or canopy frames be allowed on non-market days.
- (e) All other structure for uses other than Flea Market use shall be constructed in compliance with any and all federal, state and local construction requirements after having obtained the appropriate permit(s).
- (d) General Parking Regulations for Flea Market Use.
 - (1) Parking is permitted on the improved surface area designated on the Concept Plan, which is attached hereto and incorporated herein as Exhibit B.
 - (2) Overflow parking may be permitted on unimproved surfaces.
 - (3) All handicapped parking spaces shall be in compliance and meet the minimum requirements set forth by state and federal laws.

- (e) Miscellaneous Standards of Development.
 - (1) Driveways or fire lanes shall be constructed and maintained in accordance with the adopted fire code of the City of Seagoville and as depicted on Exhibit B.
 - (2) Building materials shall comply with the City of Seagoville ordinances except as may be provided herein.
 - (3) R-panel fencing shall be permitted behind the buildings.
- (f) Sign Regulations. After obtaining the appropriate permits, all signage permitted on the property shall comply with the provisions of the City of Seagoville Sign Ordinance, as amended.
- (g) Current dumpster do not have to be screened; however, any additional dumpsters shall be screened from view from public right of ways in accordance with the code of ordinances.
- (h) Water tanks shall be permitted for the purposes of supplying potable drinking water and water for the operation of the toilets. All such water tanks shall be inspected and approved by the appropriate enforcement authority.
- (i) Public Safety Requirements.
 - (1) On market days and during all special events, as defined herein, a Medical Aid Station shall be required. A Medical Aid Station may be an enclosed building, enclosed booth or tent, clearly marked as a Medical Aid Station. The Medical Aid Station shall be stocked with adequate supplies. In addition, an Automated External Defibrillator ("AED") shall be required on the grounds and at least one (1) personnel certified in basic first aid by the American Red Cross and one (1) personnel certified in CPR by the American Heart Association shall be required to be present during market days and at special events. At least one (1) cart shall be available for use in getting to and for the transport of patients.
 - (2) On market days and during all special events, at least one (1) off-duty Seagoville Police Officer shall be retained and be present on the property patrolling the perimeter of the venue during business hours for the safety of the public and enforcing local, state and federal laws.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 6th day of August, 2018.

APPROVED:



DENNIS K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY



APPROVED AS TO FORM:



ROBERT E. HAGER, CITY ATTORNEY

(/cdb - amended 08/07/2018)

EXHIBIT "A"
(Legal Property Description)

All of the Sudduth Addition being all of the parcel of land in the Andrew Nail Survey, Abstract No. 355 and the D. Wilkerson Survey, Abstract No. 566, Kaufman County, Texas, recorded as Instrument 201-0010392 in office of Deed Records of Kaufman County, Texas, on June 13, 2012.

Lot 1 of the Sudduth Addition is described as COMMENCING at the point described as Point of Beginning as the subdivision's metes and bounds description in the southwest line of the Andrew Nail Survey; thence South 43 degrees 22 minutes 52 seconds East with the southwest line of said Andrew Nail Survey a distance of 262.78-feet to a 3/8-inch iron rod set in the north right-of-way line of U.S. Highway 175; thence North 78 degrees 01 minutes 09 seconds West along the north right-of-way line of U.S. Highway 175 a distance of 1,228.67-feet to a 3/8-inch iron rod found at the southeast corner of the above mentioned 10.000-acre tract in the above mentioned D. Wilkerson Survey to the **POINT OF BEGINNING**; thence North 43 degrees 49 minutes 09 seconds East a distance of 598.57-feet to a set 3/8-inch iron rod in the southeast line of the above mentioned 10.000-acre tract; thence North 59 degrees 19 minutes 54 seconds West a distance of 472.33-feet to a set 3/8-inch iron rod to a point in the Andrew Nail Survey as the north corner of Lot 1; thence South 28 degrees 40 minutes 26 seconds West a distance of 502.36-feet to a set 3/8-inch iron rod in the Andrew Nail Survey as the west corner of Lot 1; thence South 71 degrees 53 minutes 17 seconds East a distance of 148.53-feet to a set 3/8-inch iron rod to a point in the D. Wilkerson Survey as an ell corner of Lot 1; thence South 09 degrees 56 minutes 01 second West a distance of 88.36-feet to a set 3/8-inch iron rod to a point in the D. Wilkerson Survey as an ell corner of Lot 1; thence South 44 degrees 52 minutes 42 seconds West a distance of 88.72-feet to a set 3/8-inch iron rod in the north right-of-way line of U.S. Highway 175 in the D. Wilkerson Survey; thence North 78 degrees 01 minutes 09 seconds West along the north right-of-way line of U.S. Highway 175 a distance of 173.32-feet to the **POINT OF BEGINNING** of Lot 1, containing 5.000 acres of land.

Lot 2 of the Sudduth Addition is described as all lands in the Sudduth Addition that are not described as being in Lot 1 or Lot 3.

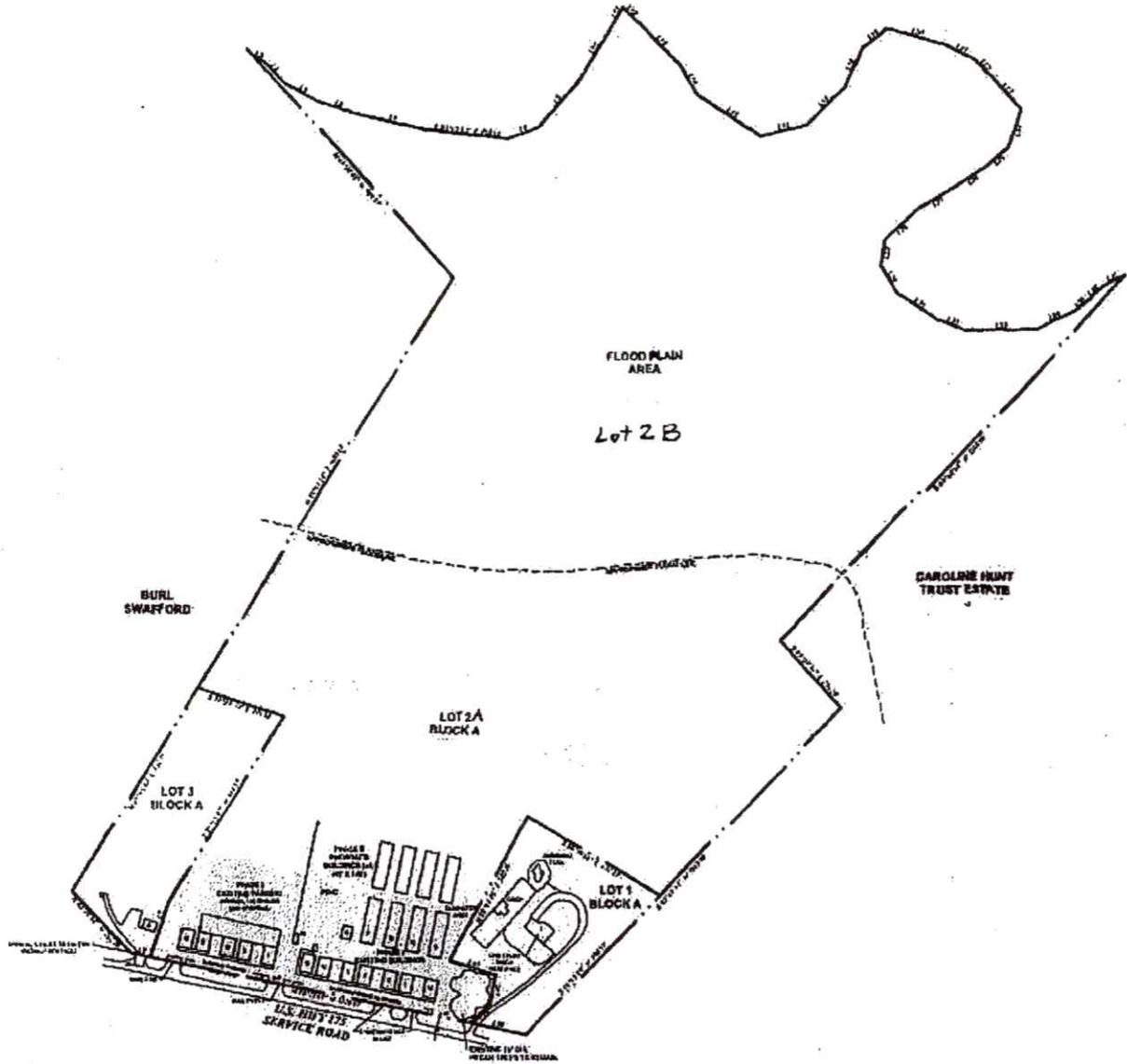
Lot 2A is more particularly described as those portions of Lot 2 that are *outside* of the floodplain on the most current version of a FEMA Flood Insurance Rate Map, as updated and amended.

Lot 2B is more particularly described as those portions of Lot 2 that are *inside* of the floodplain on the most current version of a FEMA Flood Insurance Rate Map, as updated and amended.

Lot 3 of the Sudduth Addition is described as BEGINNING at the point described as Point of Beginning as the subdivision's metes and bounds description in the southwest line of the Andrew Nail Survey; thence South 43 degrees 22 minutes 52 seconds East with the southwest line of said Andrew Nail Survey a distance of 262.78-feet to a 3/8-inch iron rod set in the north right-of-way line of U.S. Highway 175; thence North 78 degrees 01 minutes 09 seconds West along the north right-of-way line of U.S. Highway 175 a distance of 58.73-feet to a set 3/8-inch iron rod in the Andrew Nail Survey as the southeast corner of Lot 3; thence North 18 degrees 30 minutes 27 seconds East to a set 3/8-inch iron rod to a point in the Andrew Nail Survey an ell corner in the common line of Lots 1 and 2; thence North 31 degrees 45 minutes 00 seconds East a distance of 666.87-

feet to a set 3/8-inch iron rod to a point in the Andrew Nail Survey as the northeast corner of Lot 1; thence North 71 degrees 29 minutes 33 seconds West to the west line of the boundary of the Sudduth Addition and also being the southeast line of said Burl Swafford 65-acre tract; thence South 31 degrees 45 minutes 00 seconds a distance of 730.75-feet to the **POINT OF BEGINNING** of Lot 3, containing 5.000 acres of land.

EXHIBIT "B"
(Concept Plan)



CONCEPTUAL PLAN

