

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 19-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF CITY OF SEAGOVILLE, AS AMENDED, BY GRANTING A SPECIAL USE PERMIT ("SUP") AUTHORIZING A MONOPOLE COMMUNICATIONS TOWER TO BE LOCATED ON PROPERTY ZONED "C", COMMERCIAL, BEING APPROXIMATELY 13.3± ACRES OF REAL PROPERTY LOCATED AT 2737 NORTH HIGHWAY 175, IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED AS TRACT 39 OF HERMAN HEIDER ABSTRACT 541; PROVIDING FOR THE APPROVAL OF THE SITE PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBITS "A" AND "B", RESPECTIVELY; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Seagoville ("City") received application for the placement of a monopole communication tower ("cell tower") on a portion of an approximate 13.3± acre tract of land located at 2737 North Highway 175, Seagoville, Dallas County, Texas; and

WHEREAS, the cell tower itself, not the property, will have a separate address upon approval; and

WHEREAS, the Planning and Zoning Commission of the City of Seagoville and the City Council of the City of Seagoville, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes have given requisite notices by publication and otherwise, and have held due hearings and afforded 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, and the City Council of the City of Seagoville is of the opinion and finds that a zoning change should be granted, and 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

SECTION 1: That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, be and the same is hereby amended by granting a Special Use Permit authorizing a monopole communications tower to be located on property zoned C, Commercial, being approximately 13.3± acres of real property located at 2737 North Highway 175, in the City of Seagoville, Dallas County, Texas, and being legally described as tract 39 of Herman Heider Abstract 541 subject to the following conditions:

- A. The Special Use Permit shall expire if construction of the monopole communications tower, including access and any required fire lane, is not completed on or before the 270th day after issuance of the Special Use Permit; and
- B. The SUP shall remain in effect until the monopole communications tower is removed from the property, provided that construction of the monopole communications tower, including access and any required fire lane, is completed on or before the 270th day after issuance of the Special Use Permit.

SECTION 2: That the Site Plans, which are attached hereto and incorporated herein as Exhibits "A" and "B", respectively, are hereby approved.

SECTION 3. That the property described shall be used only for the purposes set out in accordance with the City of Seagoville's Zoning Ordinance and all other ordinances, codes, and policies of the City of Seagoville, as amended.

SECTION 4: That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance as amended be hereby repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

SECTION 6: That any person, firm, or corporation violating, disobeying, neglecting, refusing to comply with, or resisting the enforcement of any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty of two thousand dollars (\$2,000.00) for each offense as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended. Each and every day such a violation continues or is allowed to exist shall constitute a separate offense.

SECTION 7: 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 15th day of April, 2019.

APPROVED:



DENNIS, K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:



VICTORIA THOMAS, CITY ATTORNEY
(/cdb 04/09/2019 TM107361)

