

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 30-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS AMENDED, BY CHANGING THE ZONING FROM "PD-R-5" PLANNED DEVELOPMENT - RESIDENTIAL-5 TO "PD- R-5-SUP" PLANNED DEVELOPMENT - RESIDENTIAL-5 WITH A SPECIAL USE PERMIT, WHICH SHALL EXPIRE ON MARCH 13, 2020, TO ALLOW FOR A TEMPORARY BATCH PLANT, ON APPROXIMATELY 1.5± ACRES BEING LOTS 21 THROUGH 32, BLOCK J, OF THE SEAGOVILLE FARMS SUBDIVISION LOCATED ON THE SOUTH SIDE OF EAST FARMERS ROAD BETWEEN SIMONDS ROAD AND ALTO ROAD, IN THE CITY OF SEAGOVILLE, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR AN APPROVED SITE PLAN WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 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 the 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 of the City of Seagoville, Texas, as amended, be, and the same is amended by changing the zoning from "PD-R- 5" Planned Development - Residential-5 to "PD-R-5-SUP" Planned Development - Residential-5 with a Special Use Permit, which shall expire on March 13, 2020 except however, that the City Manager may grant two (2) sixty (60) day extensions, to allow for a temporary batch

plant, on approximately 1.5± acres being Lots 21 through 32, Block J, of the Seagoville Farms Subdivision located on the south side of East Farmers Road between Simonds Road and Alto Road, in the City of Seagoville, Texas.

SECTION 2. The property shall be developed and used in accordance with the development standards under the Seagoville Zoning Ordinance, ordinances of the City of Seagoville, and the following special conditions:

- (A) that the special use permit for the temporary batch plant shall be limited to the Seagoville Farms Subdivision, Lots 21 through 32, Block J only;
- (B) that the special use permit for the temporary batch plan shall expire on March 13, 2020, except that the City Manager may grant two (2) sixty (60) day extensions;
- (C) that the hours of operation for the batch plant shall be from 7:00 am. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 5:00 p.m. on Saturday;
- (D) that the only approved truck route for all deliveries to access the site shall be via Interstate 20 to Lasater Road to Simonds Road to Farmers Road (*please note all trucks not using this route will be ticketed*);
- (E) that deliveries of wet materials shall be in covered trucks and shall be permitted via the approved construction entrance and exit only;
- (F) that stockpiles and haul roads shall be sprinkled with water;
- (G) that silos shall be equipped with a visible warning mechanism to warn operators when silo is full and dust collector vacuums for excess material and preventing air delivery;
- (H) that erosion control fencing or berms shall be utilized at the plant site to prevent erosion run off due to water;
- (I) that the property shall be developed in accordance with the approved site plan, which is attached hereto as conditions to the use granted herein; and,
- (J) except as amended herein, the property shall be developed in accordance with the regulations included in Planned Development Residential 5, PD-17-04 and PD-17-04A1.

SECTION 3. That the Site Plan attached hereto as Exhibit "A", and made a part hereof for all purposes, 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, and that the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

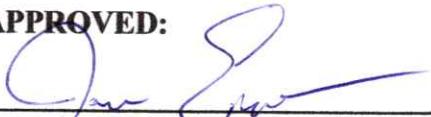
SECTION 5. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

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. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 16th day of September, 2019.

APPROVED:



JON EPPS, MAYOR PRO TEM

ATTEST:



KANDI JACKSON, CITY SECRETARY



APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to be 'V. Thomas', written over a horizontal line.

VICTORIA THOMAS, CITY ATTORNEY

(cdb 09.04.2019)

