

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 32-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 25, "ZONING", ARTICLE 25.02, "ZONING ORDINANCE", BY AMENDING DIVISION 15, "LR – LOCAL RETAIL DISTRICT REGULATIONS", SECTION 25.02.351, "USE REGULATIONS" AND DIVISION 26, "SPECIAL USES", SECTION 25.02.631, "USES WHICH MAY BE AUTHORIZED BY ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seagoville Zoning Ordinance, Division 15 and Division 26, provides that new grocery stores, restaurants, and convenience stores/mini marts are not permitted if they do not meet certain size or special use permit requirements; and,

WHEREAS, the City desires to encourage development of new grocery stores, restaurants, and convenience stores/mini marts and desires to remove the size requirement for the same; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 27, 2019 to receive input from the public on removing the size and special requirements stated herein; 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 by amending Division 15, "LR – Local Retail District Regulations", Section 25.02.351, "Use Regulations" and Division 26, "Special Uses", Section 25.02.631, "Uses Which May Be Authorized By Ordinance", by removing the size requirements stated therein for a grocery store, restaurant, and convenience store/mini mart and removing restaurants from special uses; 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 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", Article 25.02, "Zoning Ordinance", be, and the same is, hereby amended by amending Division 15, "LR – Local Retail District Regulations", Section 25.02.351, "Use Regulations" and Division 26, "Special Uses", Section 25.02.631, "Uses Which May Be Authorized By Ordinance" to read as follows:

"CHAPTER 25. ZONING

....

Article 25.02. Zoning Ordinance

....

Division 15. LR Local Retail District Regulations

Sec. 25.02.351 Use regulations

In a "LR" 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:

...

Grocery Store

...

Restaurant, dine-in only

Restaurant, dine-in/convenience

Restaurant, fast food

Restaurant, outdoor/patio dining

Restaurant, private club

....

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:

...

(40) Convenience store/mini mart

...

(50) Outside storage of any type of materials exceeding eight feet (8') in height in "C," "LM" and "HM" Districts

(51) Travel Center in "C", "LM" and "HM" Districts.

(52) Winery in "LM" and "HM" Districts.

(53) Winery, boutique in "C", "LM" and "HM" Districts.

(54) Wine-tasting room in "LR", "C", "LM" and "HM" Districts.

(55) Addition of the sale of prepackaged food . . .

- (56) Sales of prepackaged food and/or . . .
- (57) Mortuary uses, only in stand-alone . . .
- (58) Wedding services and event center uses, . . .
- (59) Hotel and motel in a "C" District.

Sec. 25.02.632 Changes in zoning

.....”

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.

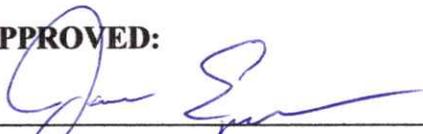
SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain 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 16th day of SEPTEMBER, 2019.

APPROVED:



Jon Epps, Mayor Pro Tem

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Victoria Thomas, City Attorney
(:cdb 09/04/2019 TM 110832)

