

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 07-2021**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS PREVIOUSLY 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, FOR TEMPORARY CONCRETE BATCH PLANT USE SUBJECT TO SPECIAL CONDITIONS ON APPROXIMATELY 0.53± ACRES BEING LOTS 4, 5 AND 6, OF THE TREDWAY ESTATES PHASE I SUBDIVISION LOCATED AT ALTO ROAD AND WOOLEY WAY, IN THE CITY OF SEAGOVILLE, TEXAS; 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 and map of the City of Seagoville, Texas, as previously amended, be, and the same are hereby 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 for temporary concrete batch plant use subject to the special conditions stated in this ordinance, on approximately 0.53± acres being Lots 4, 5 and 6, of the Tredway Estates Phase I Subdivision located at Alto Road and Wooley Way, in the City of Seagoville, Dallas County, 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 concrete batch plant shall be limited to the Tredway Estates Phase I Subdivision, Lots 4, 5 and 6 only;
- (B) that the special use permit for the temporary concrete batch plan shall expire on September 19, 2021, 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; and,
- (D) deliveries must access the site via U.S. Highway 175 to Seagoville Road to Alto Road to Wooley Way between 9:00 a.m. and 2:00 p.m. on school days and operational hours on non-school days.

**SECTION 3.** The property shall be developed and used in accordance with the Site Plan attached hereto as Exhibit "A", and made a part hereof for all purposes, which is hereby approved.

**SECTION 4.** 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 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.** 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.** 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 15<sup>th</sup> day of March, 2021.

**APPROVED:**

  
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**DENNIS K. CHILDRESS, MAYOR**

**ATTEST:**

  
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**KANDI JACKSON, CITY SECRETARY**

**APPROVED AS TO FORM:**

  
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**VICTORIA THOMAS, CITY ATTORNEY**  
(cdb 03.09.2021)



EXHIBIT 'A'

