

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

**ORDINANCE NO. 08-2018**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM RESIDENTIAL-5 (R-5) TO PLANNED DEVELOPMENT-RESIDENTIAL -5 (PD-18-01) FOR APPROXIMATELY 28.53± ACRES OF LAND LOCATED IN THE JOHN D. MERCHANT SURVEY ABSTRACT NO. 850, GENERALLY DESCRIBED AS WEST OF MAY ROAD AND ADJACENT/EAST OF ALTO ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF THE CONCEPT/PRELIMINARY DRAINAGE PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "B"; 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**, 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. Z2018-02 (PD 18-01) 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 Residential-5 (R-5) to Planned Development-Residential-5 (PD 18-01) for approximately 28.53± acres of land located

in the John D. Merchant Survey Abstract No. 850, generally described as west of May Road and adjacent/east of Alto Road, Seagoville, Dallas County, Texas, and being legally described in Exhibit “A”, attached hereto and incorporated herein.

**SECTION 2.** The property shall be developed and used in accordance with the City of Seagoville Zoning Ordinance and Construction Standards, except as amended herein, and the following development regulations:

- A. The property shall be developed in accordance with the approved Concept Plan, which is attached hereto and made a part of the ordinance
- B. Front yard shall have a minimum depth of not less than 20 feet
- C. Side yard shall have a width of not less than 5 feet
- D. Side yard with street shall have a width of not less than 10 feet
- E. Rear yard shall have a minimum depth of not less than 20 feet
- F. Minimum area of the lot shall be not less than 5,500 square feet
- G. Minimum depth of the lot shall be not less than 110 feet
- H. Minimum width of the lot shall be not less than 50 feet
- I. Minimum living area of the dwelling shall be 1,700 square feet
- J. Maximum height of the dwelling shall be 35 square feet
- K. One-half of May Road, that portion that runs the full length of the property abutting May Road, shall be paved concrete, curb, and gutter roadway
- L. One-half of Alto Road, that portion that runs the full length of the property abutting Alto Road, shall be paved concrete, curb, and gutter roadway
- M. The property shall be landscaped in compliance with Division 21 of the City of Seagoville Zoning Ordinance
- N. All signage shall comply with Article 21.09 of the City of Seagoville Code of Ordinances

O. Except as amended herein, all construction shall comply with the construction standards and ordinances of the City of Seagoville, Texas

**SECTION 3.** The property shall be developed and used only in accordance with the conceptual/preliminary drainage plan attached as Exhibit “B” and incorporated herein for all purposes, and which 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.

**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.** 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 8.** 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 9.** 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.

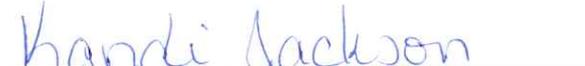
**DULY PASSED** by the City Council of the City of Seagoville, Texas, this the 2<sup>nd</sup> day of April, 2018.

APPROVED:



\_\_\_\_\_  
DENNIS K. CHILDRESS, MAYOR

ATTEST:

  
\_\_\_\_\_  
KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEXIS G. ALLEN, CITY ATTORNEY  
(/cdb)

**EXHIBIT "A"**  
**(Legal Property Description)**

LEGAL DESCRIPTION

BEING a 28.5361 acre tract, situated in the John D. Merchant Survey, Abstract No. 850, in Dallas County, Texas, and being the same tract of land conveyed to Douglas A. Sears, Trustee of the Douglas Sears Living Trust, D.O.T., June 3, 1993, or his successors in trust by deed recorded in Volume 96229, Page 02344, Deed Records, Dallas County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set at the south corner of the Kings Creek Addition, an Addition to the city of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77091, Page 1075, Map Records, Dallas County, Texas in May Road, (45 foot right-of-way):

THENCE South 44 degrees 53 minutes 58 seconds West, a distance of 481.33 feet to a 5/8 inch iron rod set:

THENCE North 45 degrees 06 minutes 01 seconds West, passing a 5/8 inch iron rod set at the east corner of a "save and except" tract recorded in said Volume 96229, Page 02344, Deed Records, Dallas County, Texas on the northwest right-of-way line of said May Road, at a distance of 15.32 feet and continuing along the northeast property line of said save and except tract, a total distance of 255.32 feet to a 5/8 inch iron rod set at the north corner of said save and except tract:

THENCE South 44 degrees 53 minutes 59 seconds West, along the northwest property line of said save and except tract, a distance of 200.48 feet to a 5/8 inch iron rod set at the west corner of said save and except tract:

THENCE South 82 degrees 30 minutes 01 seconds East, along the southwest property line of said save and except tract, a distance of 35.05 feet to a 5/8 inch iron rod set:

THENCE South 45 degrees 06 minutes 01 seconds East, continuing along the southwest property line of said save and except tract, passing a 5/8 inch iron rod set at the south corner of said save and except tract on said May Road northwest right-of-way line, at a distance of 206.56 feet and continuing a total distance of 221.88 feet to a 5/8 inch iron rod set in said May Road:

THENCE South 44 degrees 53 minutes 59 seconds West, a distance of 118.78 feet to a 5/8 inch iron rod set at the east corner of the Haven Hills No. 1 Addition, an Addition to the County of Dallas, according to the plat thereof recorded in Volume 28, Page 137, Map Records, Dallas County, Texas:

THENCE North 62 degrees 24 minutes 00 seconds West, along the northeast property line of said Haven Hills No. 1 Addition, a distance of 1724.00 feet to a 5/8 inch iron rod set at the north corner of said Haven Hills No. 1 Addition on the southeast property line of a 95.679 acre tract conveyed to Ralph Wallace Hart by deed recorded in Volume 75215, Page 905, Deed Records, Dallas County, Texas:

THENCE North 44 degrees 55 minutes 51 seconds East, along said Hart southeast property line, a distance of 779.74 feet to a 5/8 inch iron rod set at the west corner of a 5.4562 acre tract of land conveyed to Francisco Galvin and Raquel Galvin by deed recorded in County Clerk's File No. 9910211921, Deed Records, Dallas County, Texas:

THENCE South 62 degrees 43 minutes 58 seconds East, along the southwest property line of said Galvin tract, passing the south corner of said Galvin tract and the west corner of a 20 acre tract of land conveyed to Joe C. Wright and Linda S. Wright by deed recorded in Volume 98232, Page 01149, Deed Records, Dallas County, Texas, at a distance of 293.30 feet and continuing along the southwest property line of said Wright tract, passing the south corner of said Wright tract and the west corner of a 6.507 acre tract conveyed to Donald R. Stockton and Donna R. Stockton by deed recorded in Volume 96211, Page 00793, Deed Records, Dallas County, Texas, at a distance of 812.30 feet and continuing along the southwest property line of said 6.507 acre tract, passing the south corner of said 6.507 acre tract and the west corner of a 3.842 acre tract, at a distance of 1181.63 feet and continuing along the southwest property line of said 3.842 acre tract, passing the south corner of said 3.842 acre tract and the west corner of said Kings Creek Addition, at a distance of 1465.69 feet and continuing along the southwest property line of said Kings Creek Addition, a total distance of 1726.71 feet to the POINT OF BEGINNING and containing 1,243.031 square feet or 28.5361 acres of land.

