

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

**ORDINANCE NO. 27-2021**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING FROM “LR” LOCAL RETAIL TO “LR-SUP” LOCAL RETAIL WITH A SPECIAL USE PERMIT, FOR A TOBACCO STORE, SUBJECT TO SPECIAL CONDITIONS ON APPROXIMATELY 0.386± ACRES LOCATED AT 611 NORTH U.S. HIGHWAY 175, BEING DESCRIBED AS TRACTS L, M, AND THE EAST HALF OF LOT 2 IN THE TOWN & COUNTRY SHOPPING CENTER REVISED, IN THE CITY OF SEAGOVILLE, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; 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 "LR" Local Retail to "LR-SUP" Local Retail with a Special Use Permit, for a tobacco store for the sale of tobacco and tobacco products, subject to special conditions on approximately 0.386± acres located at 611 North U.S. Highway 175, being described as Tracts L, M, and the East Half of Lot 2 in the Town & Country Shopping Center Revised, in the City of Seagoville, Dallas County, Texas (the "Property").

**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) the special use permit for the tobacco store shall be limited to a maximum two (2) calendar years duration, commencing on the date of adoption of this Ordinance and upon expiration thereof, the zoning for the Property will revert to LR – Local Retail;

- (B) the special use permit for the tobacco store shall expire upon the occurrence of any of the following:
- i. the expiration, as set forth in section (A) above, of the special use permit;
  - ii. the relocation of the business to another location;
  - iii. the closure of the business as an ongoing business enterprise offering goods and services to the public;
  - iv. the expansion of the use(s) of the Property or the business situated thereon;  
or
  - v. upon the application of the owner, the granting by the City Council of a new SUP or an extension of this SUP for the use at this location;
- (C) the hours of operation for the tobacco store shall be seven days per week from 6:00 am to 12:00 midnight.

**SECTION 3.** 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.

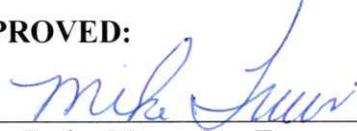
**SECTION 4.** All provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** 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 6.** 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 4<sup>th</sup> day of October, 2021.

**APPROVED:**



Mike Fruin, Mayor Pro Tem

**ATTEST:**



Kandi Jackson, City Secretary

**APPROVED AS TO FORM:**



Victoria W. Thomas, City Attorney

(/cdb 09.29.2021 093021vwtTM 125109)

