

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

**ORDINANCE NO. 05-2022**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM PLANNED DEVELOPMENT-13-01-AMENDED 2 (PD-13-01-A2) TO PLANNED DEVELOPMENT-13-01-AMENDED 3 (PD-13-01-A3) FOR THE PROPERTY LOCATED AT 1706 SOUTH U.S. HIGHWAY 175, SEAGOVILLE, KAUFMAN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS LOTS 1, 2A, 2B AND 3, BLOCK A, OF THE SUDDUTH ADDITION; PROVIDING FOR AMENDED DEVELOPMENT REGULATIONS; 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**, Planned Development-13-01 ("PD-13-01) was approved by the adoption of Ordinance No. 04-13 on April 15, 2013; and

**WHEREAS**, on or about January 4, 2016, PD-13-01 (PD-13-01-A1) was approved by the adoption of Ordinance 01-16 and on August 6, 2018, PD-13-02 (PD-13-01-A2) was approved by the adoption of Ordinance 14-2018, to provide for additional uses and amended development regulations; and

**WHEREAS**, the City, with permission of the property owner, has made application to amend PD-13-02 (PD-13-01-A2) by deleting the requirement, set forth in the Public Safety Requirements set forth in Section 3, Subsection 5(i)(2) of Ordinance 14-2018, that the off-duty police officer patrolling the property must be a "Seagoville" police officer; and

**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. PD-13-01-A3 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 Planned Development-13-02 (PD-13-01-A2) to Planned Development-13-01-Amended 3 (PD-13-01-A3), for the property located at 1706 South U. S. Highway 175, Seagoville, Kaufman County, Texas and being more particularly described as Lots 1, 2A, 2B and 3, Block A of the Sudduth Addition and being legally described in Exhibit A, which is attached hereto and incorporated herein.

**SECTION 2.** The property shall be developed and used in accordance with Ordinance No. 04-13, Ordinance No. 01-16, and Ordinance No. 14-2018, except as amended herein, and the following regulations:

- A. That the Public Safety Requirements set forth in Section 5(i)(2) of Ordinance 14-2018 shall be amended to read as follows:
  - (1) . . . . .
  - (2) On market days and during all special events, at least one (1) off-duty Police Officer shall be retained and be present on the property patrolling the perimeter of the venue during business hours for the safety of the public and enforcing local, state and federal laws.

**SECTION 3.** The property shall be developed and used only in accordance with the conceptual 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.

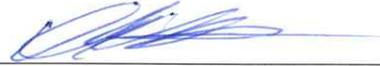
**SECTION 7.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**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 28<sup>th</sup> day of February, 2022.

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 – amended 02.22.22)