

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 14-2023

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE SEAGOVILLE CODE OF ORDINANCES, AS AMENDED, BY AMENDING TITLE II: “BUILDINGS; DEVELOPMENT; ZONING”, CHAPTER 25 “ZONING”, ARTICLE 25.02 “ZONING ORDINANCE”, (1) AT DIVISION 15 “LOCAL RETAIL DISTRICT REGULATIONS” BY AMENDING SECTION 25.02.351; (2) AT DIVISION 26 “SPECIAL USES” BY AMENDING SECTION 25.02.631; AND (3) AT DIVISION 32 “REGULATIONS APPLICABLE TO ALL DISTRICTS” BY ADDING A NEW SECTION 25.02.721 PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 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 the Ordinances of the City of Seagoville, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Seagoville Land Development Code Zoning Regulations of the City of Seagoville, Texas, as previously amended, should be further amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THAT:

SECTION 1. The City of Seagoville Code of Ordinances, as amended, is amended by amending Title II: “Buildings; Development; Zoning”, Chapter 25 “Zoning”, Article 25.02 “Zoning Ordinance”, Division 15 “Local Retail District Regulations” by amending Section 25.02.351 to read as follows:

“§ 25.02.351 Use Regulations.

In an “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:

Any use permitted in the “O” Office District. (Dwellings of all types are excluded.)

Ambulance service.

Antique shop.

Aquarium.

Art gallery.

Auto laundry without boiler, heating and steam-cleaning facilities, in which all washing operations are carried on within a building.

Auto repair garage where all work is conducted inside the building and not including the open storage of vans, trailers, or trucks.

Auto seat covering.

Bakery, retail.

Bank, with or without drive through service, office, wholesale sales office, or sample room.

Barker and beauty shop.

Bird and pet shops, retail.

Book or stationery store.

Bowling alley – if air-conditioned and soundproofed.

Camera shop.

Candy shop.

Caterer.

Cleaning, dyeing and laundry pickup station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual work to be done on premises.

Cleaning and pressing shops having an area of not more than 6,000 square feet.

Curtain cleaning shop having an area of not more than 6,000 square feet.

Department store, novelty or variety shop, retail sales.

Dyeing plant with not more than 6,000 square feet of floor space.

Electrical goods, retail sales only.

Electrical repairing – domestic equipment and auto sales, retail sales only.

Electrical substation.

Exterminating company, retail.

Film developing and printing.

Fix-it shops, bicycle repairs, saw filing, lawn mower sharpening; retail only, but without outside storage.

Florist, retail sales only.

Furniture store – retail.

Furniture repairs and upholstery, retail sales only, and where all storage and display is within the building.

Frozen food lockers, retail.

Gasoline motor fuel sales.

Gasoline motor fuel sales, automated.

Grocery store.

Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only.

Household and office furniture, furnishings and appliances, retail.

Ice delivery station.

Job printing.

Jewelry, optical goods, photographic supplies, retail.

Laundry, automatic equipped with machines of the type customarily found in the home, where custom laundering and finishing may be done. The shop shall not exceed 6,000 square feet in area and no pickup and delivery shall be operated.

Letter and mimeograph shop.

Library, rental.

Meat market, retail sales only.

Moving picture theater.

Nursery, retail sale of plants and trees.

Office building.

Outside display, new materials only.

Outside storage units, portable (PODs).

Parking lot without public garage or other automobile facilities for the parking of passenger cars and trucks of less than one ton capacity only.

Pharmacy/drug store.

Photographer's or artist's studio.

Professional offices for architect, attorney, engineer and real estate.

Public garage.

Piano and musical instruments, retail sales only.

Plumbing shop, retail sales only, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work).

Restaurant, dine-in only Restaurant, dine-in convenience Restaurant, fast food.

Restaurant with drive through service. Food sales must make up at least fifty-one percent (51%) of overall sales.

Restaurant, outdoor/patio dining.

Restaurant, private club.

Rug cleaning shop having an area of not more than 6,000 square feet, chemical type, where all cleaning operations are carried on within a building, where rugs are laid flat on the floor, the chemical mixed with water, applied with a brush, and removed by vacuum cleaning, entirely without the generation of dust.

Seamstress, dressmaker, or tailor.

Seed store.

Shoe repair shop, retail sales only.

Studios, dance, music, drama, health massage and reducing.

Studio for the display and sale of glass, china, art objects, cloth and draperies.

Taxi stand.

Washateria, equipped with automatic washing machines of the type customarily found in a home and where the customer may personally supervise the washing and handling of his laundry.

Wearing apparel including clothes, shoes, hats, millinery and accessories.”

SECTION 2. The City of Seagoville Code of Ordinances, as amended, is amended by amending Title II: “Buildings; Development; Zoning”, Chapter 25 “Zoning”, Article 25.02 “Zoning Ordinance”, Division 26 “Special Uses” by amending Section 25.02.361 to read as follows:

“§ 25.02.631 Uses which may be authorized by ordinance.

The city council may, after public hearing and proper 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, authorize by ordinance the location of any of the following in the specified districts:

- (1) Private schools, kindergartens and nurseries teaching the same subjects as public elementary and high schools in the district, provided the building or buildings are set back from all required yard lines in the district in which they are to be located two feet for each foot of building height and provided off-street parking facilities are provided. For schools and kindergartens, a minimum building area of 30 square feet per pupil and minimum site area of 200 square feet per pupil shall be provided.
- (2) Institutions of religious, educational or philanthropic nature in any district.
- (3) Private housing projects and shopping center consisting of not less than three acres and when accompanied by a site plan drawn to scale and showing the arrangement of the project in detail together with essential requirements such as parking facilities, location of buildings and the uses to be permitted, and means of egress and ingress in any district.
- (4) Airport or landing field or airport facilities in any district.
- (5) Day nurseries in any district keeping more than four children.
- (6) Dog kennels and veterinarian hospitals in the Commercial District or on a farm five acres or more in any district.
- (7) Temporary commercial amusement enterprises such as circuses, carnivals, driving ranges, miniature golf courses, pony rides, miniature train rides and rodeos in any district.
- (8) Riding academy or public stable on a site of five acres or more in any district.
- (9) Radio broadcasting towers and stations, television towers and television transmitting stations in any district.
- (10) Gas and electrical public utility regulating stations in any district.
- (11) Hospitals, children's homes, convalescent homes, old people's homes, maternity homes in the "A" District or in any district where a site of five acres or more is provided.
- (12) Homes for the insane, alcoholic, feeble-minded and narcotics in the "C" District or in any district where a site of 20 acres or more is provided.
- (13) Lodges, boarding houses, rooming houses in the "A" District.
- (14) Community buildings in an "A" district or on a site of three acres or more in any district.

- (15) Drive-in theatres in the Local Retail District or on sites of ten acres or more in any district.
- (16) Greenhouses and nurseries in any district.
- (17) Rock quarries, sand, gravel, and earth excavations. At the time the permit is granted, the city council may impose reasonable conditions for the protection of public health and safety, any may provide for the restoration of such property to a usable condition after uses have been terminated.
- (18) Dental and medical offices and clinics in the “A” District.
- (19) Feed stores in the “LR” District.
- (20) Automobile wrecking yard in the Heavy Manufacturing District.
- (21) Junkyard in the Heavy Manufacturing District.
- (22) Temporary and seasonal sales establishments, such as flea market or produce stand in any district.
- (23) Cemetery in any district.
- (24) Roller skating rink in “LR” District.
- (25) Motor raceway in “LR” or “AG” District.
- (26) Travel trailer park in any district.
- (27) Sewage treatment plant in any district.
- (28) Concrete batch plant in any district.
- (29) Single-family and multifamily dwelling units in nonresidential districts.
- (30) Used car lots in “LR” District.
- (31) Sale of mobile/manufactured homes, subject to the following conditions:
 - (A) “C” Commercial zoned property of 3.5 acres or more;
 - (B) Underpinning must be furnished for all homes parked within 100 feet of any public street;
 - (C) Full landscape plan must be submitted and approved as part of SUP;
 - (D) Decorative frontal fencing (such as wrought iron) shall be required; and
 - (E) No alterations may be made to any home parked within the first 100 feet of any public street.
- (32) Wind energy conversion system (WEC) in any district, provided that such device is in accordance with the definitions of such devices in division 37 (Definitions), as amended, and in accordance with all special regulations for such devices in division 32 (Regulations Applicable to all Districts), section 25.02.713 (Wind Energy Conversion Systems).

- (33) Bakery, commercial in “C” District.
- (34) Bar, beer tavern, lounge in “C,” “LM” and “HM” Districts.
- (35) Brewery, distillery in “LM” and “HM” Districts.
- (36) Cargo container in “LM” and “HM” Districts.
- (37) Convenience store/mini-mart.
- (38) Tobacco shop in “LR,” “C,” “LM” and “HM” Districts.
- (39) Drive-in service in “LR,” “C,” “LM” and “HM” Districts.
- (40) Drive-through service in “LR,” “C,” “LM” and “HM” Districts. A special use permit is not required for a financial institution or a restaurant with at least fifty-one percent (51%) of revenue derived from food sales.
- (41) Walk-up service in “LR,” “C,” “LM” and “HM” Districts.
- (42) Microbrewery/brewpub in “LR,” “C,” “LM” and “HM” Districts.
- (43) Night club/dance hall in “C,” “LM” and “HM” Districts.
- (44) Outside display, used materials, in “C,” “LM” and “HM” Districts.
- (45) Outside storage, new materials in “C” District.
- (46) Outside storage, used materials in “C,” “LM” and “HM” Districts.
- (47) Outside storage of any type of materials exceeding eight feet (8') in height in “C,” “LM” and “HM” Districts.
- (48) Travel Center in “C,” “LM” and “HM” Districts.
- (49) Winery in “LM” and “HM” Districts.
- (50) Winery, boutique in “C,” “LM” and “HM” Districts.
- (51) Wine-tasting room in “LR,” “C,” “LM” and “HM” Districts.
- (52) Addition of the sale of prepackaged food or beverages to the operation of a retail or business operation already in existence on the effective date of this section (May 2010) in any district.
- (53) Sales of prepackaged food and/or beverages, in combination, that exceeds 10% of an establishment’s gross annual sales revenues in any district.
- (54) Mortuary uses, only in stand-alone buildings, in local retail districts.
- (55) Wedding services and event center uses, only in stand-alone buildings, in local retail districts.
- (56) Hotel and motel in a “C” District. A special use permit in a commercial district for a hotel or motel use may be approved only when there is a finding and determination by the city council, following a favorable recommendation by the planning and zoning commission, that the type of hotel or motel proposed is compatible and

consistent with and will have no adverse effect on existing uses in the area, that the proposed use is equal to or exceeds development standards of other uses and that the proposed use will not adversely affect the ability to locate, in the future, additional uses that are allowed within the zoning district of the area.

Hotel and motel developments shall be subject to the following development standards:

- (A) A minimum lot size for a hotel or motel development shall be no less than four acres, with the exception that a lot size less than four acres may be permitted provided the city council, following a favorable recommendation by the planning and zoning commission, and after review of submitted data and facts, finds and determines that such facility is an appropriate use, design and lay-out for the site and area. Under no circumstance shall a lot of less than two acres be utilized for this use.
- (B) Shall provide staff on-site 24 hours a day;
- (C) Shall contain a lobby with a minimum of 150 square feet;
- (D) Shall provide a minimum of three (3) amenities from the list below:
 - (1) Indoor/outdoor pool.
 - (2) Spa/sauna.
 - (3) Weight room/fitness center.
 - (4) Playground.
 - (5) Sports court.
 - (6) Plaza/atrium.
 - (7) Game room.
 - (8) Jogging trail.
 - (9) Conference room (1,000 square foot minimum).
 - (10) Full service restaurant (minimum seating capacity of 35)."

SECTION 3. The City of Seagoville Code of Ordinances, as amended, is amended by amending Title II: "Buildings; Development; Zoning", Chapter 25 "Zoning", Article 25.02 "Zoning Ordinance", Division 32 "Regulations Applicable to All Districts" by adding a new Section 25.02.721 to read as follows:

“§ 25.02.721 Public facilities.

- (a) Any use of a public building or buildings to be erected or used by the city, county, state, or federal government is permitted within any zoning district as amended (R-1, R-2, R-3, R-4, R-5, D, TH, A, O, MHP, LR, C, LM, HM, PD and AG).
- (b) Any installation of a public utility, either privately or publicly owned, is permitted within any zoning district as amended. (R-1, R-2, R-3, R-4, R-5, D, TH, A, O, MHP, LR, C, LM, HM, PD and AG).

§§ 25.02.722 through 25.02.730 (Reserved).”

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Seagoville and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Seagoville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

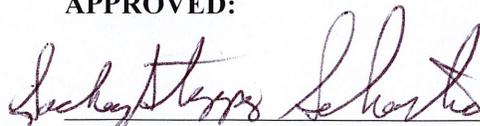
SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Seagoville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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 Seagoville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage and publication in accordance with its provisions of the Charter of the City of Seagoville, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, ON THIS THE 5th DAY OF JUNE 2023.

APPROVED:


LACKEY STEPPER SEBASTIAN, MAYOR

APPROVED AS TO FORM:



Victoria W. Thomas, City Attorney
(060623vwt/TM135375)

ATTEST:


Melinda Welsh, Interim City Secretary

