

CITY OF FORNEY, TEXAS

ORDINANCE NO. 24-52

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AS AMENDED, BY AMENDING ARTICLE IV, "USE REGULATIONS," SECTION 37, "USE REGULATIONS (CHARTS)," BY AMENDING THE DESIGNATION OF PERMITTED, PROHIBITED, AND CONDITIONAL USES; BY AMENDING ARTICLE V, "DEVELOPMENT STANDARDS," SECTION 47, "SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES", AND SECTION 49, "DEFINITIONS."; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Forney, Texas ("City") is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the Home Rule Charter for the City of Forney, Texas; and

WHEREAS, the City Council of the City of Forney, Texas ("City Council"), pursuant to Chapter 211 of the Texas Local Government Code, as amended, possesses the power to regulate zoning and development in the City; and

WHEREAS, a public hearing was held before the Planning & Zoning Commission and a public hearing was held before the City Council, after due notice thereof was had in accordance with the Comprehensive Zoning Ordinance of the City of Forney, Texas ("Zoning Ordinance"); and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the proposed zoning text amendments; and

WHEREAS, the City Council further finds and determines that the proposed amendments to the Zoning Ordinance are in the best interest of the health, safety, morals, and general welfare of the City of Forney, Texas.

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

Section 1. FINDINGS INCORPORATED

The above recitals are hereby found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. AMENDMENT OF ARTICLE IV, "USE REGULATIONS," SECTION 37, "USE REGULATIONS (CHARTS)," OF THE ZONING ORDINANCE BY AMENDING THE DESIGNATION OF PERMITTED, PROHIBITED, AND CONDITIONAL USES.

From and after the effective date of this Ordinance, Article IV, "Use Regulations," Section 37, "Use Regulations (Charts)," is hereby amended to read in pertinent part as follows:

SECTION 37.2 USE CHARTS

Types of Land Uses	O	NS	GR	CBD	C	MU	LI
Temporary Retail Use			P		P	P	P

* * *

Section 3. AMENDMENT OF ARTICLE V, "DEVELOPMENT STANDARDS" SECTION 47, "SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES," OF THE ZONING ORDINANCE BY ADDING REGULATIONS FOR A TEMPORARY RETAIL USE.

From and after the effective date of this Ordinance, Article V, "Development Regulations," Section 47, "Special Regulations for Certain Types of Uses," is hereby amended to read in pertinent part as follows:

47.14 TEMPORARY RETAIL USE:

- A. Temporary retail uses are permitted in the C, GR, MU, and LI zoning districts.
- B. Required off-street parking: One (1) space per 500 square feet of site area.
- C. Required off-street loading: One (1) space.
- D. Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500-feet of the temporary retail use.
- E. The Chief Building Official shall issue a temporary certificate of occupancy for a period of forty-five (45) days for a temporary retail use. The use must fully comply with all applicable city codes and ordinances. No more than two temporary certificate of occupancy's may be issued for a temporary retail use at the same location within a one-year period.

Section 4. AMENDMENT OF ARTICLE V, "DEVELOPMENT STANDARDS" SECTION 49, "DEFINITIONS," OF THE ZONING ORDINANCE BY AMENDING DEFINITIONS.

From and after the effective date of this Ordinance, Article V, "Development Regulations," Section 49, "Definitions," is hereby amended to read in pertinent part as follows:

TEMPORARY RETAIL USE – A temporary facility for the retail sale of products. This use may include consignment retail products, including children’s clothes, toys, and household products.

Section 5. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 6. SAVINGS CLAUSE

The Comprehensive Zoning Ordinance of the City of Forney, Texas, Ordinance No. 1085, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.


Section 8. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 9. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas,
on this the 17th day of December, 2024.



Jason Roberson, Mayor

ATTEST:



Rosa Rios, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Jon Thatcher, City Attorney

