

**CITY OF FORNEY, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**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 ADDING DOG TRAINING (INDOOR KENNELS); BY AMENDING ARTICLE V, "DEVELOPMENT STANDARDS," SECTION 49, "DEFINITIONS," ADDING A DEFINITION FOR DOG TRAINING (INDOOR KENNELS); 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**, 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 CHARTS," OF THE ZONING ORDINANCE TO ADD DOG TRAINING (INDOOR KENNELS)**

From and after the effective date of this Ordinance, Article IV, "Use Regulations," Section 37, "Use Regulations (Charts)," Section 37.2, "Use Charts," of the Zoning Ordinance is hereby amended to add a new personal business service use to read in pertinent part as follows:

Types of Land Uses	AG	SF-20	SF-15	SF-11	SF-8	SF-6	SF-PH	2F	SFA	MF-15	MH	O	NS	GR	CBD	C	MU	LI
Dog Training (indoor kennels)														P		P		P

**Section 3. AMENDMENT OF ARTICLE V, “DEVELOPMENT STANDARDS,” SECTION 49, “DEFINITIONS,” OF THE ZONING ORDINANCE BY ADDING A DEFINITION FOR DOG TRAINING (INDOOR KENNELS)**

From and after the effective date of this Ordinance, Article V, “Development Standards,” Section 49, “Definitions,” Section 49.1 of the Zoning Ordinance is hereby amended to assign the appropriate numbering of definitions caused by the addition of the new definitions and to add a new definition to read in pertinent part as follows:

**“DOG TRAINING (INDOOR KENNELS)** – A personal and business service use that provides boarding (indoor kennels), grooming and training of dogs. Outdoor kennels and outdoor boarding are prohibited, but the use may include secured outdoor animal play areas. The use may not be located within multi-tenant retail buildings.”

**Section 4. 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 5. 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 6. 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 7. 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 8. 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

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**Mary Penn, Mayor**

**ATTEST:**

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**Dorothy Brooks, TRMC, CMC, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Jon Thatcher City Attorney**