

**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 V, "DEVELOPMENT STANDARDS," SECTION 38, "OFF-STREET PARKING AND LOADING REQUIREMENTS," BY AMENDING SECTION 38.4, "OFF-STREET LOADING SPACE – ALL DISTRICTS"; 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 Section 217.042 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 V, "DEVELOPMENT STANDARDS," SECTION 38, "OFF-STREET PARKING AND LOADING REQUIREMENTS," OF THE ZONING ORDINANCE BY AMENDING SECTION 38.4, "OFF-STREET LOADING SPACE – ALL DISTRICTS"**

From and after the effective date of this Ordinance, Article V, "Development Standards," Section 38, "Off-Street Parking and Loading Requirements," is hereby amended to read in pertinent part as follows:

“D. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

Exception: A child-care establishment, and any other similar use, may be provided an exception from this requirement if the applicant provides a plan showing that there is acceptable traffic flow and parking without the circular drive. The City Engineer shall review the plan and make a recommendation to accept or deny the exception.”

### **Section 3. 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 4. 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 5. REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncoded, 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 uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

### **Section 6. 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 7. 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 \_\_\_\_\_, 2020.

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**Mary Penn, Mayor**

**ATTEST:**

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**Dorothy Brooks, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**John Thatcher, City Attorney**