

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 1085, AND MAP, AS AMENDED, BY CHANGING THE ZONING FROM GENERAL RETAIL DISTRICT (GR) USES TO GENERAL RETAIL DISTRICT (GR) USES WITH A CONDITIONAL USE PERMIT (CUP) FOR FOOD TRUCK/TRAILER, TO OPERATE AS A PRIMARY USE ON APPROXIMATELY 0.264 ACRES OF LAND IN THE JOHN GREGG SURVEY, ABSTRACT NO. 171, WHICH PROPERTY IS MORE COMMONLY KNOWN AS 205 W. BROAD STREET, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE; 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 ("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") regarding the rezoning sought hereby; 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 change; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council; and

WHEREAS, the City Council further finds and determines that the proposed amendment to the Zoning Ordinance is 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 findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. ZONING AMENDED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Forney, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Zoning Ordinance are not amended, but shall remain intact and are hereby ratified, verified, and affirmed to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land commonly known as 205 W. Broad Street, in the City of Forney, Kaufman County, Texas, and being approximately 0.264 acres of land in the John Gregg Survey, Abstract No. 171, and more fully described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes ("Property"), presently zoned for General Retail District (GR) uses, is hereby rezoned to General Retail District (GR) uses with a Conditional Use Permit (CUP) for Food Truck/Trailer, to operate as a primary use in accordance with specific requirements in the City's Comprehensive Plan, the Comprehensive Zoning Ordinance of Forney, Texas, and the Concept Plan or Site Plan, prepared in accordance with Section 12 of the Zoning Ordinance, attached hereto as Exhibit "B" and incorporated herein by reference for all purposes allowed by law. The previous Conditional Use Permit and Concept Plan approved for this property is hereby repealed.

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 previously approved Conditional Use Permit for this property and 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 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, this ____ day of _____, 2021.

Mary Penn, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Jon Thatcher, City Attorney

EXHIBIT "A"

STATE OF TEXAS:
COUNTY OF KAUFMAN:

ALL that certain lot, tract or parcel of land situated in Kaufman County, Texas, part of the John Gregg Survey; Abstract No. 171, Kaufman County, Texas, part of that certain called 0.264 acre tract described in deed to Richard H. Baker, et ux, by Don's Automotive, Inc. on February 15, 1981, recorded in Volume 602, Page 817 of the Deed Records of Kaufman County, Texas, LESS SAVE AND EXCEPT that certain called 0.134 acre tract previously conveyed to Dewey Miller by Don's Automotive, Inc. by deed dated July 27, 1979 and recorded in Volume 661, Page 73 of the Deed Records of Kaufman County, Texas, and being more completely described as follows:

BEGINNING at a 1/2" iron rod found for corner at the North corner of the above mentioned 0.264 acre tract, in the Southwest right of way line of Old U.S. Highway No. 80 (West F.M. 688) and being in a curve, the radius of which bears North 60 degrees 10 minutes 09 seconds East, 1599.30 feet;

THENCE in a Southeasterly direction with the Southwest right of way line of Old U.S. Highway No. 80 (West F.M. 688) and with a curve to the left, the angle of which is 04 degrees 30 minutes 30 seconds, the radius is 1599.30 feet and the tangent is 64.70 feet, an arc distance of 129.30 feet to a 1/2" iron rod found at the West corner of said 0.264 acre tract;

THENCE South 46 degrees 10 minutes 09 seconds West, a distance of 52.68 feet, to a 3/8" iron rod found at the East corner of the above mentioned 0.134 acre tract conveyed to Dewey Miller;

THENCE North 30 degrees 50 minutes 45 seconds West, passing the North corner of the above mentioned, Dewey Miller tract, and continuing a total distance of 128.70 feet to a 1/2" iron rod found at the Northerly West corner of the above mentioned 0.264 acre tract;

THENCE North 44 degrees 46 minutes 44 seconds East with the Northerly Northwest line of said 0.264 acre tract, a distance of 49.96 feet to the PLACE OF BEGINNING, CONTAINING 6,336.318 square feet or 0.145 acres of land.

FILED FOR RECORD AT 10:43 o'clock A.M. 1981 DEBBY GANN CLERK COUNTY COURT KAUFMAN COUNTY TEXAS, BY DEBBY GANN DEPUTY

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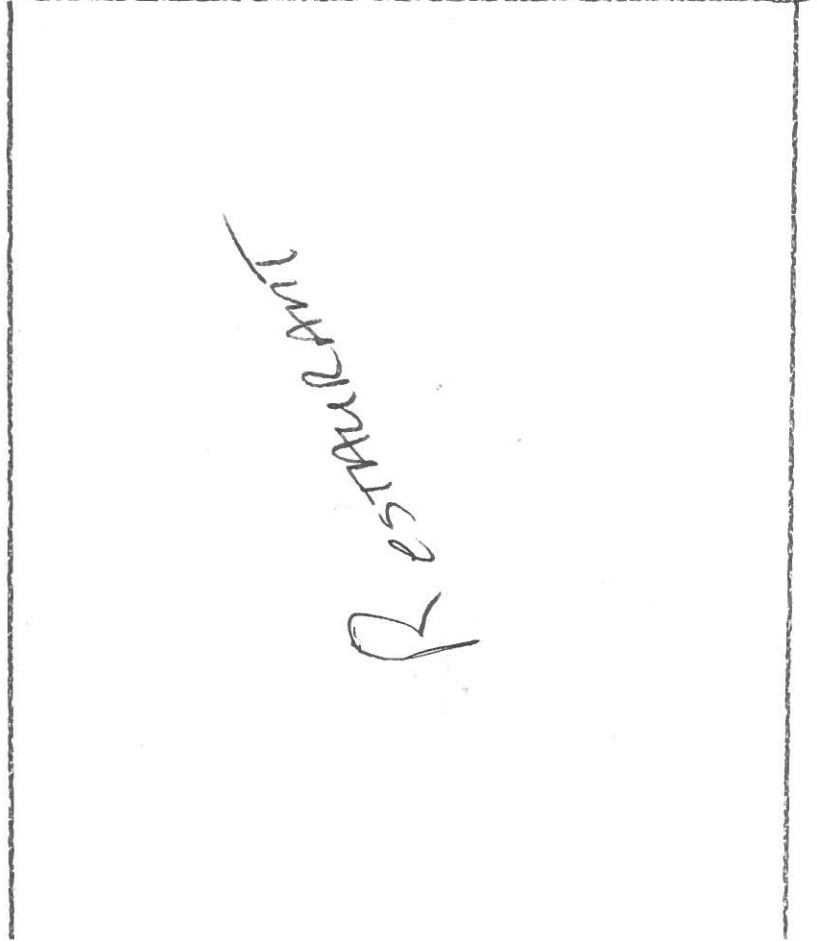
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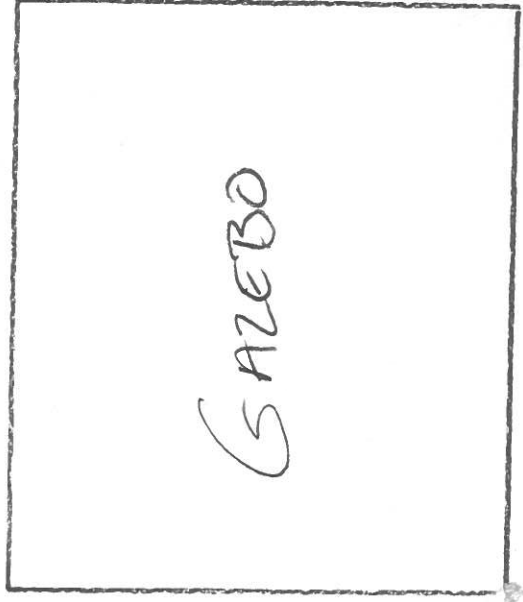
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