

ORDINANCE 2019-ORD006

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN AND ACCOMPANYING MAP FOR THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS the City of Double Horn is legally empowered to regulate development in the community through the legitimate use of police powers; **AND**,

WHEREAS, the City Council seeks to promote responsible and sustainable growth by adoption of this Comprehensive Plan ("Plan"); **AND**,

WHEREAS, Chapter 213 of the Texas Local Government Code authorizes cities to adopt a comprehensive plan for the long-range development of the municipality; **AND**,

WHEREAS, further state law allows a city to define the content and design of a comprehensive plan, and such plan may include provisions on land use, transportation, and public facilities; **AND**,

WHEREAS, the City Council of the City of Double Horn, Texas, has considered the matter at a public hearing and has invited public input and participation; recommends approval of the adoption of the Comprehensive Plan as enumerated herein, and finds that the adoption of the Plan will be in the best interest of the City and will promote the public health, safety and welfare of the community.

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

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Double Horn and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. ADOPTION. That the document labeled Exhibit "A", attached and incorporated by reference for all purposes, including the map, shall be the official Comprehensive Plan for the City of Double Horn, Texas.

SECTION III. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clause or phrase of this ordinance or application of the same to any person or set of circumstances is for reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Double Horn in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION IV. REPEALER CLAUSE. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance or state law.

SECTION V. EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VI. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED: _____, 2019

CITY OF DOUBLE HORN

Hon. Cathy Sereno
Mayor

ATTEST:

Karen Maxwell, City Secretary
City of Double Horn

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Double Horn

EXHIBIT A

CITY OF DOUBLE HORN COMPREHENSIVE PLAN

PLAN AUTHORIZATION

Per Section 213 of the Texas Local Government Code (LGC), the City of Double Horn, a Type B General Law municipality, is authorized to adopt a Comprehensive Plan for the purposes of promoting sound development and public health, safety and welfare. A comprehensive plan may:

- include but is not limited to provisions on land use, transportation, and public facilities;
 - consist of a single plan or a coordinated set of plans organized by subject and geographic area; and
 - be used to coordinate and guide the establishment of development regulations.
- Section 211, as applicable, states that zoning regulations may be adopted in accordance with a Comprehensive Plan.

PURPOSE AND ORGANIZATION:

“Comprehensive planning is a process by which the community assesses what it has, expresses what it wants, decides how to achieve its wants and, finally, implements what it decides. It is a process that should require the active participation of community residents--the city council, planning and zoning commissioners, city administrators, advisory committees, neighborhood leaders, business people, and others interested in improving the city. Through the planning process, local citizens must share in the formulation of policy statements, which serve as guides for decision making by city leaders.” *Outreach and Training Services Unit of the Office of Rural Community Affairs (ORCA) 2002*

The Comprehensive Plan provides guidance for the development of the City of Double Horn, its extra-territorial jurisdiction (ETJ), and future growth areas that is consistent with and supportive of the residents’ expectations and desires for the city. It establishes a basis for managing development through implementation of City ordinances in accordance with the Texas Local Government Code.

- Section I provides a brief history of the City of Double Horn.
- Section II describes the services previously provided by the Double Horn Creek subdivision, ESD 9, and Burnet County and reviews the status of services to be provided in the future.
- Section III defines what residents want the City to achieve in terms of land use through the zoning process.
- Section IV outlines general zoning guidelines which will facilitate the City’s land

- use goals.
- Section V covers the review cycle for Comprehensive Plan approval.

SECTION I: FROM SUBDIVISION TO TYPE B GENERAL LAW CITY

The City of Double Horn Texas is a General Law Type B municipality located in the Texas Hill Country. On December 6, 2018 residents of the Double Horn Creek subdivision voted to incorporate for the purposes of exerting some level of restraint against imminent industrial development in the adjacent area and to protect its citizens from future industrial incursions which could affect the community's vision, health, safety, welfare, quality of life, and property values. On December 12, 2018 the City of Double Horn became officially re-established in Burnet County.

On February 12, 2019, the City of Double Horn elected its first mayor, five aldermen, and marshal. Since that time, the City of Double Horn has engaged in various governmental functions and has provided and set in motion plans to provide governmental services to the City.

The City is approximately 4.5 miles from the unincorporated town of Spicewood to the east and about five miles from the eastern city limit of Marble Falls at Hwy 281 (see Ordinance 2019-ORD001 City Map). The area encompassed by the city boundary is just under two square miles (1,226.63 acres) and contains 186 land parcels per the Burnet County Appraisal District, as follows:

- 173 privately owned residential parcels, of which 105 have established homes or homes under construction, with the remaining 68 vacant
- 7 parcels owned by the Double Horn Improvement Association (6) and the Double Horn Water Supply Corporation (1)
- 2 parcels owned by Spicewood Crushed Stone LLC for a rock crushing and quarry operation
- 2 parcels owned by Double Horn Properties LLC for a storage facility
- 1 parcel owned by Keeney Investments for an office building/arts and crafts shop
- 1 parcel owned by Carrington Partnership

As of April 2019, the City has 238 citizens. The Double Horn Creek subdivision's home owners association, legal name Double Horn Improvement Association or DHIA, currently owns facilities consisting of a pavilion, a swimming pool and other recreational facilities, all of the subdivision streets and street signs, the subdivision fence along Highway 71, and programmed security gates at each of the four subdivision entrances on Highway 71.

SECTION II: THE CITY OF DOUBLE HORN AND BURNET COUNTY SERVICES

The City of Double Horn streets are private and are maintained through annual DHIA dues supplemented as required with additional payments for periodic preventative maintenance projects. An independently owned water supply corporation is supported by

an initial connection charge, the connection size, and the monthly number of gallons used by each resident. All residents own and maintain their own septic systems. Burnet County provides law enforcement for the Double Horn Creek subdivision via ad valorem property taxes. Emergency services and fire protection are provided by Emergency Services District 9 through additional ad valorem taxes.

Going forward it is expected that the DHIA and Water Services Company will continue to provide the same functions and services for the subdivision residents as they did pre-incorporation, however, these services do not extend to the land parcels within the City boundary which are outside of the original Double Horn Creek subdivision. The City may enter an agreement with the Double Horn Creek Water Supply Corporation to extend water services to the portions of the City that do not currently have water services. The City may adopt an ordinance for the extension of water services in the future as the need arises. If the City intends to own and maintain its own streets and the DHIA is agreeable, the City can enter into a contract with the DHIA for such purposes.

The City Council may consider undertaking on its own or may enter into contracts or agreements with third parties or other governmental entities, including interlocal cooperation agreements under Texas Government Code Chapter 791, for the following purposes:

- (a) To provide for police protection and law enforcement services
- (b) To provide for ambulance services
- (c) To provide for animal control and management
- (d) To provide for garbage and recycling services within the City
- (e) To implement a program to monitor and report air quality within the corporate limits and provide the results to residents and property owners
- (f) To implement a program to monitor and report seismic activity within the corporate limits and provide the results to residents and property owners
- (g) To provide for maintenance of City streets and right of way
- (h) To implement a program to designate a park plan and hiking and walking trails within the City
- (i) To conduct traffic studies on Highway 71, or to contract with TxDOT for same to improve traffic safety and for construction of traffic improvements within the City;
- (j) To provide for emergency and disaster response and to obtain or improve emergency services for all areas within the corporate boundaries, including through an agreement with Burnet County Emergency Services District No. 9;

SECTION III: PLAN MUST SUPPORT CITY'S OBJECTIVES

There is a consensus on what the citizens want to achieve with the City's Comprehensive Plan:

- Maintain the look and ambience of the original Double Horn Creek subdivision.
- Limit and manage to the extent allowed by law industrial development within the City boundary.
- Transition from a Type B General to Type A General Law city.

- Establish ordinances that help buffer the impact of non-residential land uses from residential land uses.
- Maintain current DHIA covenants on property use and building construction within the original subdivision boundary and adopt regulations for areas outside of the original subdivision that will maintain the same quality of construction and the future visions of the City.
- Provide for city owned streets, recreational facilities, trails, open space, park land and other public facilities or places as financially viable and as appropriate for a city of the size and population of the City of Double Horn.
- Maintain the hill country nature and large estate lot land uses of the original Double Horn Creek subdivision and consider ordinances that mitigate adjoining non-residential land uses. Manage commercial development within the city to maintain the residential character of the City. Growth and expansion of the City’s current boundaries may be dependent upon negotiations with landowners located in the extraterritorial jurisdiction of the City.
- The total City population, once all available for sale residential lots have been developed, plus residents on sparsely inhabited property within the City boundary is unlikely to exceed 500 residents unless the City boundaries expand in the future.

SECTION IV: GENERAL ZONING PLAN, CURRENT & FUTURE

1. Local Government Code 211.003 allows the governing body of a municipality to regulate, among other things, the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

a. Current: Type B General Law City

- i. The City has defined the Future Land Use objectives on the Map, attached hereto, which corresponds to the parcels described in Section I above as well as the property within the extra-territorial jurisdiction (ETJ):
 - 1. (Single Family) Residential
 - 2. Agricultural
 - 3. Commercial
 - 4. Industrial
 - 5. Open Space/Park/Recreation
 - 6. Non-residential (ETJ)
 - 7. Other

- ii. According to LGC Sec. 213.005 the Map must contain the clearly visible statement “A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.”

b. Future: Type A General Law City

- i. The City of Double Horn can transition to a Type A city once a manufacturing facility begins operations or if population increases. It is anticipated that Spicewood Crushed Stone LLC will commence rock crushing and quarry operations in 2019. A Type A General Law city is limited to four square miles unless the population is greater

than 4,999 (LGC 5.901.2). The City may expand its original two (2) square mile area by annual 10% increments until the total area is four (4) square miles or less if adjoining landowners are agreeable to expansion.

- ii. The City shall develop a growth strategy for expansion of its boundaries that will be consistent with the Hill Country character of the city and provide opportunities for mitigating between land uses that may be inconsistent with residential uses. The City can negotiate with willing landowners to determine the type of land use to be applied to the annexed areas.
- iii. The City's zoning districts as a Type A municipality may eventually require an update of the Future Land Use Map to include the following:
 1. (Single Family) Residential
 2. Agricultural
 3. Commercial
 4. Industrial
 5. Open Space/Park/Recreation
 6. Non-residential (ETJ)
 7. Other

SECTION V: PUBLIC REVIEW AND APPROVAL

1. The City should provide citizen input into its land use ordinances and decisions and future updates or revisions of the Comprehensive Plan. The Comprehensive Plan should be updated every five (5) years. Future land use ordinances should provide for draft ordinances prior to adoption and the drafts should be posted on the City's website. The community will be encouraged to review and comment. A final draft of the land use ordinances or any changes to the Comp Plan shall incorporate community comments before being presented to City Council for approval.
2. The City Council should hold at least one formal Public Hearing prior to the adoption of the future updates to the Comprehensive Plan or any zoning ordinances.
3. The Council should consider in adopting any future updates to the Comprehensive Plan the implementation process of each update. Upon Council approval of the Comprehensive Plan following the Public Hearing, the process of writing ordinances to implement the Plan will begin and will continue with each subsequent update or amendment.

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries

