ORDINANCE NO. 2020 ORD019

ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS ADOPTING A ZONING MAP OF THE CITY OF DOUBLE HORN, TEXAS, AS SPECIFICALLY SET FORTH IN EXHIBIT "A" AND ALL EXHIBITS THERETO, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN IN ITS ENTIRETY, AND DIVIDING THE CITY INTO SEVERAL ZONING DISTRICTS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Double Horn, Texas, (hereinafter "City Council") finds that public health, safety, welfare, and aesthetic concerns create the need to enact zoning regulations and adopt a corresponding zoning map; and

WHEREAS, the City of Double Horn, Texas, (the "City") has the legal authority to adopt regulations governing zoning and the use of land within its corporate limits in accordance with its Comprehensive Plan in order to lessen congestion in the streets; secure safety from fire, panic and other dangers, promote health and general welfare; provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements; regulate aesthetics and other important governmental interests; and

WHEREAS, after all legal notices required by Chapter 211 of the Texas Local Government Code, the required public hearing on the proposed Double Horn Zoning Ordinance were held by the City Council on the 23rd day of January, 2020, and after consideration of the comments and input received, the City Council duly adopted the proposed Double Horn Zoning Ordinance; and

WHEREAS, set forth herein in Exhibit "A", is a proposed Zoning Map, attached hereto and incorporated herein for all purposes, the adoption of which City Council finds is beneficial to the orderly development of the City of Double Horn; and

WHEREAS, after compliance with all legal notices required by Chapter 211 of the Texas Local Government Code, the required public hearing on the proposed Double Horn Zoning Map at its lawfully posted open meeting on the 12th day of March, 2020, the City Council finds and determines that the proposed Zoning Map is consistent with the City's Comprehensive Plan and Zoning Ordinance, is reasonable and that the best interests of the public are served by adoption of said zoning map as more specifically set forth herein.

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

SECTION 1.   **INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.   **FINDINGS**

After due deliberations and consideration of the recommendation of the City Council and the information and other materials received at the public hearing and public meetings, the City Council has concluded that the adoption of the Double Horn Zoning Map serves the best interests of the City of Double Horn, Texas, serves the health, safety, welfare and aesthetic concerns of the public, and is consistent with the City's Comprehensive Plan and Zoning Ordinance.

SECTION 3.   **ADOPTION**

The "Double Horn Zoning Map", including all attachments thereto, attached hereto as Exhibit "A" is hereby adopted and shall constitute the Zoning Map for the City of Double Horn, Texas and shall separate the parcels within the City into the designated Zoning Districts as reflected on said Zoning Map. This Ordinance shall be maintained by the City Secretary and a copy shall be available for public inspection during regular business hours.

SECTION 4.   **NO VESTED INTEREST/REPEAL**

No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein, which are separate and apart from any vested right granted by Chapter 245 of the Local Government Code. Any portion of this Ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 5.   **UNLAWFUL USE OF PREMISES**

It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building or structure that is not in conformity with the permissible uses under this Ordinance.

SECTION 6.   **SAVINGS**

That all rights and remedies of the City of Double Horn are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.   **CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances affecting zoning and zoning district maps which are not expressly amended or repealed hereby in accordance with Section 3 above, and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance in accordance with Section 3 above. Except as provided in Section 3 above, Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 8.   SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Double Horn hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9.   PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar ($1.00) nor more than Two Thousand Dollars ($2,000.00), in accordance with the enforcement and penalty provisions described in the City of Double Horn Zoning Ordinance, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Double Horn determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.
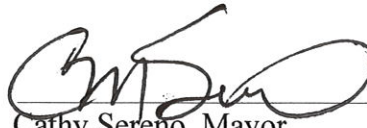
SECTION 10.   PUBLICATION

The City Secretary of the City of Double Horn is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11.   EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

          DULY ADOPTED by the City Council of the City of Double Horn, Texas on the 12th day of March 2020.
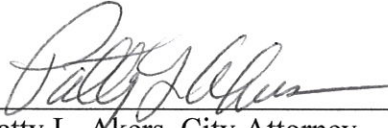
(Cathy Sereno, Mayor signature)

Cathy Sereno, Mayor

ATTEST:

(Karen Maxwell signature)

Karen Maxwell, City Secretary

APPROVED AS TO FORM:

(Patty L. Akers signature)

Patty L. Akers, City Attorney

EXHIBIT "A"
CITY OF DOUBLE HORN, TEXAS
ZONING MAP

City of Double Horn, Texas
Zoning Map

Adopted: February 13, 2020

Signatures:
Mayor:
Secretary:

N
W E
S

Legend

City Limits
Agricultural
Open Space/Parks/Recreation
Single Family 1
Commercial District
Industrial District
Non-Residential District

300' Depth
200' Depth
300' Depth
400

Oak Meadow Trl
Creekside Trl
Flowing Spring Trl
Vista View Ln
Southeast Trl
East Trl
Double Horn Dr
Running Brook Trl
West Trl
Cross Trl

CITY OF DOUBLE HORN
FOUNDED 1855 ★ INCORPORATED 2018