

**ORDINANCE NO. 2020-ORD024**

**ZONING ORDINANCE**

**AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS ADOPTING AN AMENDMENT TO ZONING ORDINANCE 2020-ORD018 OF THE CITY OF DOUBLE HORN, TEXAS; PROVIDING FOR PLACEMENT OF WATER TOWERS OR TANKS FOR FIRE SUPPRESSION PURPOSES IN CERTAIN ZONING DISTRICTS; ESTABLISHING A DEFINITION OF WATER TANKS OR TOWERS USED FOR FIRE SUPPRESSION PURPOSES; ESTABLISHING CONDITIONAL USE PERMITS IN CERTAIN 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

**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**, authorizing the placement and use of water tanks or tower as described herein, are 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 hearings, and after considering the testimony from interested parties on the proposed amendment to the Double Horn Zoning Ordinance, and after consideration of the Double Horn Zoning Ordinance amendment at its lawfully posted open meeting on the 8th day of October, 2020, the City Council finds and determines that the proposed regulations are consistent with the City’s Comprehensive Plan, are reasonable and that the best interests of the public are served by adoption of this amendment to the Double Horn Zoning Ordinance 2020-ORD018 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. FINDINGS**

The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. AMENDMENT**

A. Exhibit “A” of Zoning Ordinance 2020-ORD018 of the City of Double Horn, Texas, is hereby amended as follows:

1. Figure 1.1.2.2, Zoning Use Table, Institutional and Civic Uses

	RESIDENTIAL DISTRICTS			NON-RESIDENTIAL		
INSTITUTIONAL & CIVIC USES	A	SF-1	OSPR	C	I	NR
Fire suppression water tower/tank-less than 40,000 gallons	P	C	C	C	P	--

2. Chapter 3, Definitions, is amended to add new Section 43.1 *Fire Suppression Water Tower/Tank*: A water storage tower or tank used to store water for fire suppression purposes.

**SECTION 3.** This Zoning Ordinance amendment shall be maintained by the City Secretary and a copy shall be available for public inspection during regular business hours.

**SECTION 4. 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 5. 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 2 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 2 above. Except as provided in Section 2 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 6. 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 7. 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 Ordinance 2020-ORD018 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 8. 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 9. 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 8<sup>th</sup> day of October 2020.

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Cathy Sereno, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Karen Maxwell, City Secretary

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Patty L. Akers, City Attorney

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