

## ORDINANCE 2020-ORD025

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE PLACEMENT OF A WATER STORAGE TANK FOR FIRE SUPPRESSION PURPOSES ON PROPERTY ZONED SINGLE FAMILY RESIDENTIAL DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; APPROVING A SITE PLAN FOR PLACEMENT OF THE WATER STORAGE TANK, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has received an application for a conditional use permit to authorize placement of a water storage tank to be used for fire suppression purposes on the property described in Exhibit "A", attached hereto, which property is zoned single family residential (the "Property"); and

**WHEREAS**, placement of a water storage tank on residential property is authorized upon the issuance by the City of a Conditional Use Permit; and

**WHEREAS**, the property owner has submitted a Site Plan, which is attached hereto as Exhibit "B", depicting the location of the water storage tank on the Property; and

**WHEREAS**, the notice as required by the City's Zoning Ordinance and by state law and has been published in the newspaper and given to adjacent property owners;

**WHEREAS**, the City Council finds that the use of the portion of the Property described in Exhibit "A" and the placement of the water storage tank as depicted in the Site Plan described in Exhibit "B", for fire suppression purposes, is an appropriate use for the portion of the Property depicted in the Site Plan.

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

Section 1. The City Council finds that the information submitted in the application for a Conditional Use Permit submitted by the Applicant meets the requirements of the City of Double Horn Zoning Ordinance 2020-ORD018 as amended, for the Property described in Exhibit "A", attached hereto, and as depicted in the Site Plan, attached hereto and incorporated herein as Exhibit "B".

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4 and other limitations herein described, to authorize placement of a water storage tank for fire suppression purposes, on the portion of the Property depicted in Exhibit "A".

Section 3. Site Plan. The Site Plan, attached hereto as Exhibit “B”, depicting the portion of the Property where the tank will be placed and operated and is hereby approved contingent upon the property owner meeting the conditions contained within Section 4 and in this Ordinance;

Section 4. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter “Permittee”) upon the following terms and conditions:

1. Permittee shall not commence development until it has secured all building permits and has received any other approvals as required by the City of Double Horn;
2. The Conditional Use Permit authorizes additional development of the subject Property only as represented in the Permittee’s application and only to the extent such development is depicted in the Site Plan or other plans contained in Exhibit “B”, attached hereto, and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit “B”, then that portion of Permittee’s application is specifically denied;
3. The water storage tank shall have 40,000 gallons, or less, of storage capacity and shall only be used for fire suppression purposes.

Section 5. Conditional Use Permit Limitations. The conditional use approved by this Ordinance is authorized only so long as the water storage tank, as depicted in Exhibit “B”, attached hereto, is located on the Property. If the tank is removed from the Property, this Conditional Use Permit shall automatically terminate, unless the removal of the tank is for a period of time less than 6 months and for maintenance purposes. The water storage tank shall not be replaced with a different tank, except with City approval of an amended to this Conditional Use permit.

Section. 6. That any person, firm or corporation violating any of the provisions of this Ordinance or, Zoning Ordinance 2020-ORD018 as amended, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Double Horn, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense.

Section 7. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the City’s Zoning Ordinance.

Section 8. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
Cathy Sereno, Mayor  
City of Double Horn

ATTEST:

\_\_\_\_\_  
Karen Maxwell, City Secretary  
City of Double Horn, Texas

[SEAL]

APPROVED AS TO FORM:

\_\_\_\_\_  
Patty L. Akers, City Attorney

**EXHIBIT "A"**  
**PROPERTY DESCRIPTION**

S4205 DOUBLE HORN LOT 2, SEC 4 BLK D

DRAFT



# Proposed Site Appearance (Ground Level)



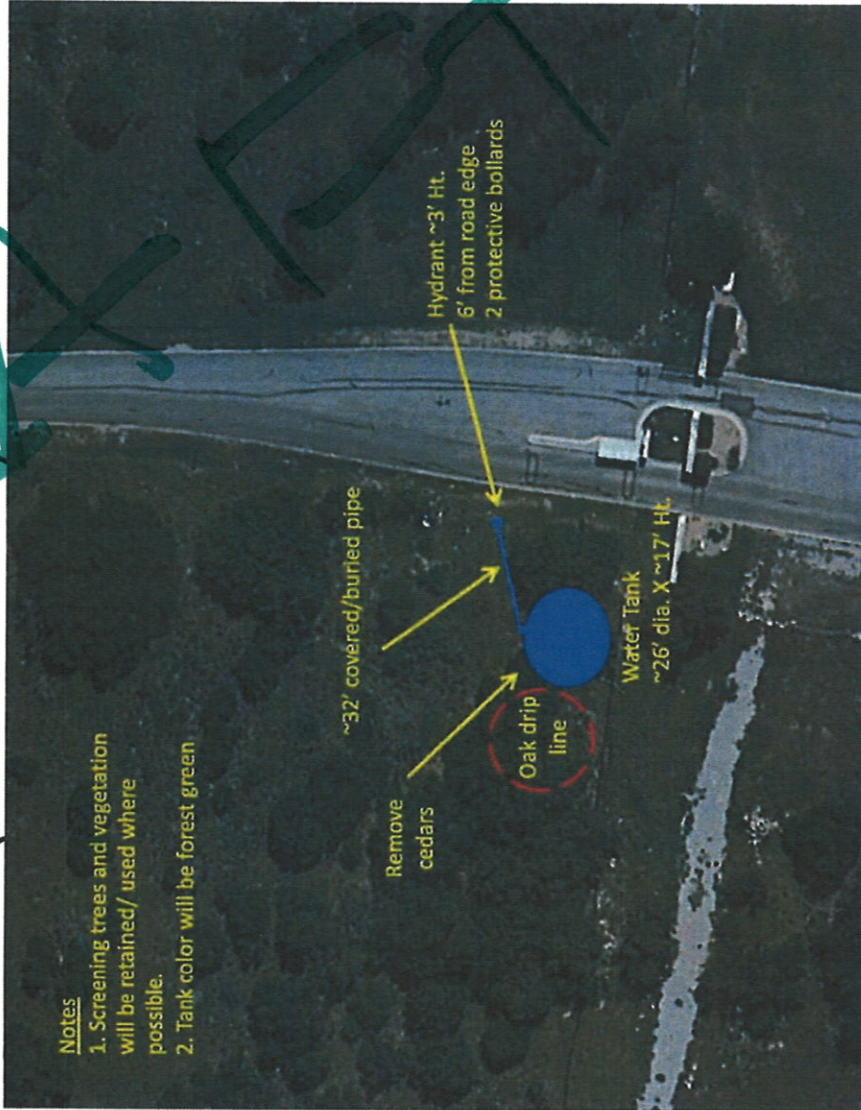
8/12/20

SP

# Site Placement (continued)

**Notes**

- 1. Screening trees and vegetation will be retained/ used where possible.
- 2. Tank color will be forest green



8/12/20