

ORDINANCE NO. O-2023 -00__

**A ORDINANCE OF THE CITY COUNCIL OF LA MARQUE, TEXAS ISSUING A
CONDITIONAL USE PERMIT FOR HUNT ENERGY NETWORK BATTERY STORAGE
FACILITY, (GALVESTON COUNTY PROPERTY ID# 363493)**

WHEREAS, The Owner of Block 12 of the William K. Wilson League, Abstract No 208, Section 12 (Galveston County Property ID # 363493) (the “Property”) submitted an application for a Conditional Use Permit for the Property to allow for a battery storage facility.

WHEREAS, the City Council has determined that the establishment, maintenance or operation of this conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;

WHEREAS, the City Council has also determined that the uses, values and enjoyment of other property in the neighborhood, for the purpose already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;

WHEREAS, the City Council has also determined that the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

WHEREAS, the City Council has also determined That the uses, values, and enjoyment of other property in the neighborhood, for the purpose already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use; and

WHEREAS, the City Council has also determined that adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;

WHEREAS, the City Council has also determined that adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and

WHEREAS, the City Council has also determined that the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS THAT:

Section 1. That the facts and matters set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. That the City of La Marque, Texas will issue a Conditional Use Permit in accordance with Section 71-6 of the City Code for the construction of a single-family residential dwelling.

Section 3. As provided by Section 71-3 of the City Code, any person who shall violate any of the provisions of this Ordinance or the Conditional Use Permit issued hereunder or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved hereunder, shall for each violation or noncompliance be deemed guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-7 of the City Code. The owner of that building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder contractor, agent, or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be subject to the penalties herein provided.

Section 4. In the event any clause, phrase, provision sentence, or part of this Ordinance or the application of the same to any person or circumstance for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED this ____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2023.

Keith Bell
Mayor

ATTEST:

Kierra Nance, TRMC
City Clerk