

TOWN OF HORIZON CITY

ORDINANCE NO. 0102, AMENDMENT NO.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF HORIZON CITY, TEXAS, CHAPTER 14 (ZONING), EXHIBIT A (ZONING ORDINANCE), TO REVISE AND AMEND THE FOLLOWING: CHAPTER 2 (DEFINITIONS), SECTION 202 (GENERAL DEFINITIONS) TO ADD NEW DEFINITIONS; CHAPTER 4 (RESIDENTIAL DISTRICTS), SECTION 405 (BULK REGULATIONS), TO ADD REFERENCE TO SUBDIVISION DENSITY CALCULATION FOR PARKLAND REQUIREMENTS; CHAPTER 6 (GENERAL COMMERCIAL DISTRICTS), SECTION 602.3 (GENERAL REGULATIONS) TO REVISE ACCESS STANDARDS; CHAPTER 8 (GENERAL PROVISIONS), SECTION 802 (WALL STANDARDS) TO INCREASE ROCK AND MORTAR ALLOWANCE; CHAPTER 13 (PLANNED UNIT DEVELOPMENT), SECTION 1311 (BULK REGULATIONS) TO ADD REFERENCE TO SUBDIVISION DENSITY CALCULATION FOR PARKLAND REQUIREMENTS; CHAPTER 14 (OPEN SPACE/PARKS), SECTION 1405 (BULK STANDARDS) TO AMEND THE BULK STANDARDS IN THE OPEN SPACE/PARKS S-1 ZONING DISTRICT; PROPER NOTICE; AND EFFECTIVE DATE; THE PENALTY BEING AS PROVIDED IN SECTION 810 OF THE ZONING ORDINANCE (NO. 0102) OF THE TOWN OF HORIZON CITY, TEXAS, CREATING A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$2,000.

WHEREAS, a proposal was brought forward by staff to and considered by the Town of Horizon City Planning and Zoning Commission to amend portions of Ordinance No. 0102 relating to density increase through rezoning and golf course rear wall standards; and

WHEREAS, the Planning and Zoning Commission considered the staff's proposals at its March 13, 2024, regular meetings and voted to recommend approval of the change to the ordinance; and

WHEREAS, public hearings have been held by the Town Council as required by law; and

WHEREAS, all written and oral protests (if any) submitted against the proposed ordinance change have been reviewed and considered; and

WHEREAS, pursuant to Texas Local Government Code section 51.001, the town has general authority to adopt an ordinance that is for the good government, peace or order of

the Town and is necessary or proper for carrying out a power granted by law to the Town; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace, and order and that our physical environment has a direct impact on the chances for happy, prosperous lives for the residents of the Town of Horizon City to adopt this Ordinance and technical code; and

WHEREAS, the Texas Local Government Code Section 211.005(b) requires “that zoning regulations be uniform for each class or kind of building in a district”, furthermore, “regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its particular suitability for particular uses, with a view of conserving the value of buildings, maximizing the best use of property, and encouraging the most appropriate use of land in the municipality”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS:

I. ENACTMENT OF AMENDMENTS

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this amendment no. to Ordinance no.0102, which regulates zoning within the territorial limits of the Town of Horizon City and related matters, to amend Chapter 2, Section 202; Chapter 4, Section 405, Chapter 6, Section 602; Chapter 8, Section 802; Chapter 13, Section 1311 and Chapter 14, Section 1405:

Chapter 2 Definitions

Section 202 General Definitions

To Add Two New Definitions

Outdoor Storage. Shall only be located where permitted as a principal use or an accessory use and shall be screened and secured from view unless it is a principal use for display such as automobile, RV, construction machinery or equipment of which the majority of inventory needs to be displayed, all outdoor storage shall also be placed on a hard surface. Hazardous waste, chemicals or materials, tires, raw materials, excess material, waste, trash and scrap materials, junk cars or materials, landscaping trimmings, clutter, any material or substance used in a bottling, canning or other packaging or processing and any material or substance that may emit odors or nuisance are prohibited from outdoor storage and must be stored appropriately.

Illegal Dumping. Illegal Dumping; Discarding Lighted Materials; Criminal Penalties (a) A person commits an offense if the person disposes or allows or permits the disposal of litter or

other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into land or coastal water of the state. (Texas Health & Safety Code §365.012)

Chapter 4 Residential Districts

Section 405 Bulk Regulations

To Add Subsection 405.6 Referencing Subdivision Maximum Density Calculation for Parkland Dedication and Fees for Density Increase Through Change of Use or Rezoning.

Section 405.6 Density Increase Through Change of Use or Rezoning. After parkland fees have been calculated, a subdivision, not otherwise classified as a residential subdivision, that changes the use or zoning district to include dwelling units or increases the density of dwelling units within the subdivision, shall trigger a recalculation of parkland fees or parkland dedication under Chapter 10 Subdivision Regulations. If additional fees are due or if the recalculation requires parkland to be dedicated, then such fees shall be paid, or dedication provided, prior to the issuance of any building permit, pursuant to Chapter 10 Subdivision Regulations, Subsection 2.8.3 Calculating Acreage Density and Fees for Dedicated Parkland, C. Density Calculation and Requirements.

Chapter 6 General Commercial Districts

Section 602 General Regulations

Subsection 602.3.1 Access Standards

To Amend the Minimum Separation Distances, Measured from the centerline of each driveway at the right-of-way line (Pending Replacement Table)

The following minimum separation distances, measured from the centerline of each driveway at the right-of-way line, shall be observed:

Posted Speed (in miles per hour)	Distance between driveways (in feet)
≥ 50	400
45	350
40	300
35	200
≤ 30	150

Chapter 8 General Provisions

Section 802 Wall Standards

Subsection 802.2.3 Rear walls on golf course lots

To Increase the Rock and Mortar Allowance From Two to Three Feet.

802.2.3 Rear walls on golf course lots shall be of rock and mortar ~~two feet (2')~~ three feet (3') high with one foot (1') square rock pillars constructed on the wall every ten feet (10') with rails of wrought iron set between the pillars. The maximum height of the wrought iron sections shall be six feet (6') in height from finished grade. The height of the rock pillars may match the height of the wrought iron. The rear wall height shall comply with Subsection 807.1.O when applicable. The Building Official may allow the location of one or more pillars to be adjusted for the wall to correctly fit the property dimensions.

Chapter 13 Planned Unit Development

Section 1311 Bulk Regulations

To Add Subsection 1311.5 Referencing Subdivision Maximum Density Calculation for Parkland Dedication and Fees for Density Increase Through Change of Use or Rezoning.

Section 1311.5 Density Increase Through Change of Use or Rezoning. After parkland fees have been calculated, a subdivision, not otherwise classified as a residential subdivision, that changes the use or zoning district to include dwelling units or increases the density of dwelling units within the subdivision, shall trigger a recalculation of parkland fees or parkland dedication under Chapter 10 Subdivision Regulations. If additional fees are due or if the recalculation requires parkland to be dedicated, then such fees shall be paid, or dedication provided, prior to the issuance of any building permit, pursuant to Chapter 10 Subdivision Regulations, Subsection 2.8.3 Calculating Acreage Density and Fees for Dedicated Parkland, C. Density Calculation and Requirements.

Chapter 14 Open Space/Parks S-1

Section 1405 Bulk Regulations.

To amend the bulk standards in the open space parks zoning district.

The following standards shall control the minimum site area and the placement and size of any buildings, and the locations of parking facilities or active recreation areas relative to adjoining districts:

A. Properties proposed for S-1 zoning shall have a minimum size of one-half acre (21,780 square feet) and shall have ~~not less than 100 feet for street frontage and~~ a parcel depth of not less than

100 feet. ~~The minimum street frontage requirement, however, shall not be applied for properties used exclusively for stormwater ponding;~~

~~B. No building in an S-1 district shall be placed closer than 50 feet from any property line or street right-of-way;~~ Building(s) in S-1 district shall have the following setbacks: front setback of 10' feet, rear setback of 10' feet and side setbacks of 10' feet.

C. No building shall have more than two stories, nor shall any building have a height greater than 35 feet;

D. A minimum of 10 feet of landscaped area shall be provided between the street right-of-way and any vehicle parking lot; and,

E. A minimum of ~~25~~ 10' feet shall be provided between any active playing surface (e.g., limits of a golf course fairway, perimeter of a tennis court, or edge of a swimming pool) and any property line.

II. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

III. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

IV. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

V. PROPER NOTICE AND MEETING

It is 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code and the Charter of the Town of Horizon City, Texas.

PASSED AND APPROVED this the ____ day of _____, 2024, by a vote of ____ (eyes) to ____ (nays) to ____ (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City

By: _____
Andres Renteria, Mayor

ATTEST:

By: _____
Elvia Schuller, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Sylvia Borunda Firth
City Attorney

Michelle Padilla
Planning Director