

TOWN OF HORIZON CITY

ORDINANCE NO. 0102, AMENDMENT NO. 037

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 7 (INDUSTRIAL DISTRICTS) SECTION 703 (M-1), SUBSECTION 703.2 (PERMITTED USES); SECTION 704 (M-2), SUBSECTION 704.2 (PERMITTED USES), AMENDING AND ADDING PERMITTED USES IN M-1 (LIGHT INDUSTRIAL) AND M-2 (HEAVY INDUSTRIAL) ZONE DISTRICTS; SECTION 702 (GENERAL REQUIREMENTS), SUB SECTION 702.3 (HEIGHT AND BULK STANDARDS M-1 AND M-2), SUB SECTION 702.3.2 (HEIGHT STANDARDS) AMENDING HEIGHT REQUIREMENTS FOR ADDED USES IN M-1 AND M-2 ZONE DISTRICTS; CHAPTER 6 (GENERAL COMMERCIAL DISTRICTS), SECTION 604 (C-2), SUBSECTION 604.2 (PERMITTED USES), SUB SECTION 604.3 USES PERMITTED BY SPECIFIC USE PERMIT, AMENDING AND ADDING PERMITTED USES IN C-2 (HEAVY COMMERCIAL) ZONE DISTRICT; AND CHAPTER 2 (DEFINITIONS), SECTION 202 (GENERAL DEFINITIONS) TO AMEND AND ADD DEFINITIONS FOR WAREHOUSING; 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 permitted uses in the M-1, M-2 and C-2 Zoning Districts; and

WHEREAS, the Planning and Zoning Commission considered the staff's proposals at its October 16, 2023, 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. 036 to Ordinance no.0102, which regulates zoning within the territorial limits of the Town of Horizon City and related matters, to amend Sections 703, 704 and 604 as follows:

Section 703 M-1

Sub Section 703.2 Permitted uses in M-1

To remove small warehousing and add **General Warehousing** as a permitted use.

~~F. Small Storage Warehouse (less than 5000 SF Net Leased Area);~~

F. General Warehousing as defined in Section 202 Definitions

Section 702 General Regulations

Sub Section 702.3 Height and Bulk Standards ~~M-1~~

Sub section 702.3.2 Height Standards

To add height standards for General Warehousing use in M-1 and M-2:

A. For general warehousing use the maximum height in M-1 and M-2 is 60 (sixty) feet unless adjacent to any residential zoning district or use and for all other permitted uses, the

maximum height is forty-five (45) feet. Any warehousing use with a height of 45 feet or more that is adjacent to a residential zoning district or use shall comply with the following:

- a) A fifty (50') foot setback adjacent to a residential zoning district or use.
- b) An eight (8') foot rock wall on the high side except that the last 2 (two) feet may be a combination of wrought iron or other opaque material.
- c) A ten (10') foot landscape buffer consisting of two (2") inch caliper trees at every 15 feet on center within the required fifty (50') foot setback directly adjacent to any residential zoning district or use.
- d) That any hazardous, explosive material or chemical is appropriately stored and permitted by the fire marshal and verified by the building official or designee at the time of building permit submittal to Horizon City.

Section 604 C-2

Sub Section 604.2 Permitted uses in C-2

To add **Small Warehousing** as a permitted use.

M. Small Warehousing (20,000 square foot maximum)

N. Funeral Home (with no crematorium)

M.O. Ground- Mounted cellular telecommunication antenna

N. P. Facility- Mounted Antennas

Sub Section 604.3 Uses Permitted by Specific Use Permit

To add the following use by Specific Use Permit:

D. Funeral Home with crematorium

Section 602 General Regulations

Sub Section 602.2.3 Height Standards

To add **Sub Section G.** For small warehouse use:

G. For small warehouse use, the maximum height in a C-2 zone is 45 (forty-five) feet. Any warehouse use on a C-2 zoned property that is adjacent to a residential zoning district or use shall comply with the following:

- a) A fifty (50') foot setback adjacent to a residential zoning district or use.
- b) An eight (8') foot rock wall on the high side except that the last 2 (two) feet may be a combination of wrought iron or other opaque material.
- c) A ten (10') foot landscape buffer consisting of two (2") inch caliper trees at every 15 feet on center within the required fifty (50') foot setback directly adjacent to any residential zoning district or use.
- d) That any hazardous, explosive material or chemical is appropriately stored and permitted by the fire marshal and verified by the building official or designee at the time of building permit submittal to Horizon City.

Section 202 General Definitions

To add **Warehousing - General** definition:

Warehousing - General. Large scale storing of goods or raw materials in a designated location, known as a warehouse, until they are distributed, sold, or used in manufacturing, servicing, or sales. General warehousing includes: bonded warehousing (where goods can be imported into the country then stored and processed), public warehousing (open to the public and are typically owned by a third-party logistics company and rented for a short-term or long-term period), private warehousing (no third party involved and owned by the company), refrigerated warehousing (maintaining warehouse at specific levels to maintain the integrity of food or material that requires refrigeration such as food, pharmaceutical and cosmetic as well as other uses that need to maintained fresh or cooled) and flex/warehousing (a combination of warehousing, service or retail use). General warehousing does not include truck or private bus terminal use.

To add **Warehousing - Small** definition:

Warehousing - Small. Small scale storing (20,000 sq. feet or less) of goods or raw materials in a designated location, known as a warehouse, until they are distributed, sold, or used in manufacturing, servicing, or sales. General warehousing includes: bonded warehousing (where goods can be imported into the country then stored and processed), public warehousing (open to the public and are typically owned by a third-party logistics company and rented for a short-term or long-term period), private warehousing (no third party involved and owned by the company), refrigerated warehousing (maintaining warehouse at specific levels to maintain the integrity of food or material that requires refrigeration such as food, pharmaceutical and cosmetic as well as other uses that need to maintained fresh or cooled) and flex/warehousing (a combination of warehousing, service or retail use). Small warehousing does not include truck or private bus terminal use.

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 _____, 2023, by a vote of ____ (ayes) 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 Garcia
Planning Director

DRAFT