

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 4 (RESIDENTIAL DISTRICTS), SECTION 405 (BULK REGULATIONS) TO ADD REFERENCE TO SUBDIVISION DENSITY CALCULATION INCREASE FOR PARKLAND DEDICATION AND FEES THROUGH CHANGE OF USE OR REZONING; CHAPTER 8 (GENERAL PROVISIONS), SECTION 802 (WALL STANDARDS) TO INCREASE ROCK AND MORTAR ALLOWANCE AND CHAPTER 13 (PLANNED UNIT DEVELOPMENT), SECTION 1311 (BULK REGULATIONS) TO ADD REFERENCE TO SUBDIVISION DENSITY CALCULATION INCREASE FOR PARKLAND DEDICATION AND FEES THROUGH CHANGE OF USE OR REZONING; 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 4, Section 405, Chapter 8, Section 802 and Chapter 13, Section 1311:

**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.

**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.

## **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 \_\_\_\_ (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 Padilla  
Planning Director